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The Canadian Historical Review

NEW SERIES
OF

THE REVIEW OF HISTORICAL PUBLICATIONS RELATING TO CANADA

(FOUNDED AT THE UNIVERSITY OF TORONTO IN 1896)

VOL. XII

TORONTO, SEPTEMBER, 1931

No. 3

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Published Quarterly

BY

THE UNIVERSITY OF TORONTO PRESS

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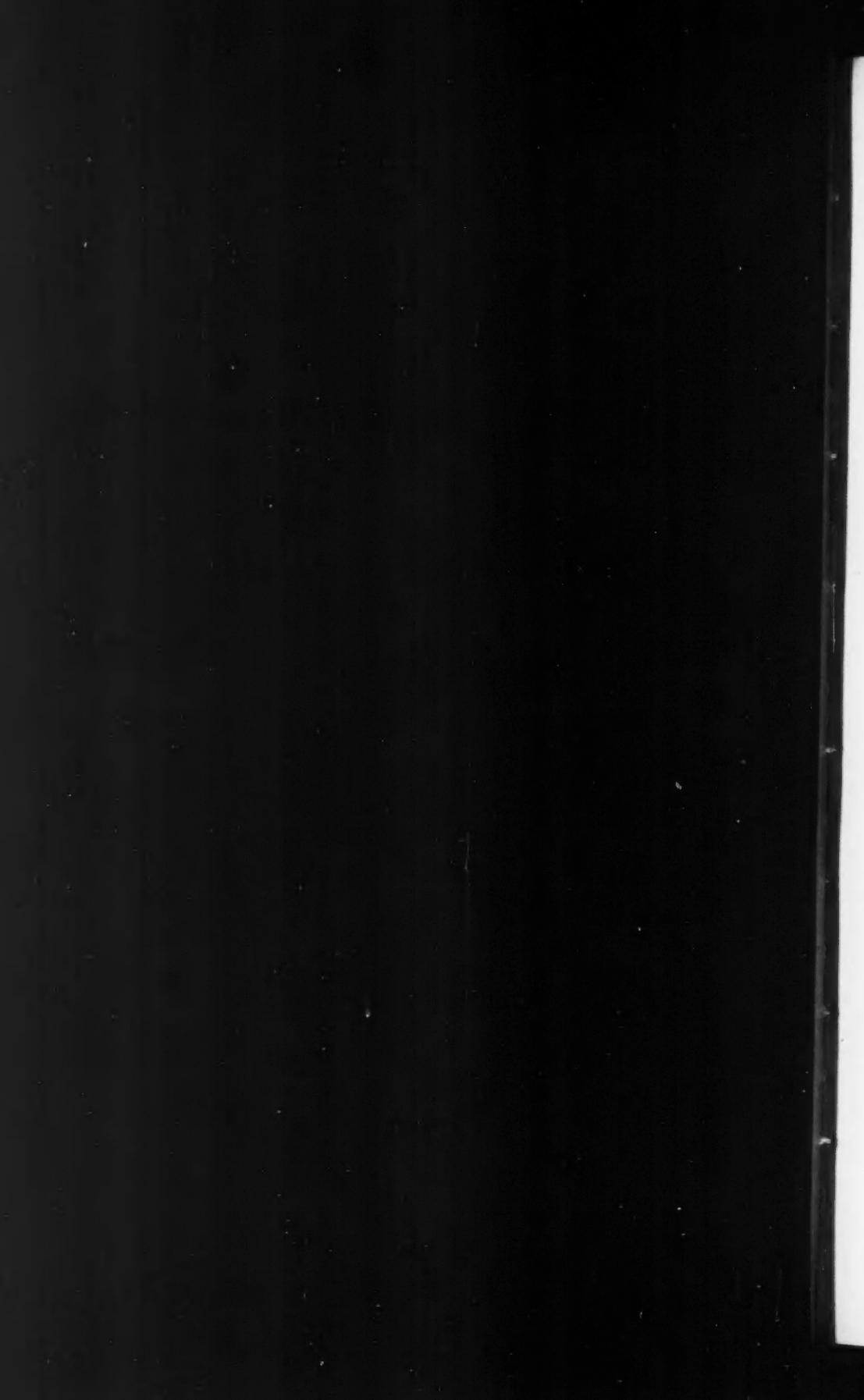
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The Canadian Historical Review

VOL. XII.

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NOTES AND COMMENTS

THE variety and importance of the work being done by local historical societies throughout the Dominion are not generally realized. While it is true that individual societies lapse from time to time into a more or less moribund condition, it is equally true that many of the societies remain active and continue their work with intelligence and enthusiasm. Each year sees the marking of sites of historical importance, the establishment and growth of local historical museums, and the publication of numerous articles and documents, the whole making a contribution of great value and significance to the advancement of Canadian history,—a contribution, moreover, which can be made in no other way than through the local societies. Where a local society continues to be active and maintains a high standard of quality in the work done, the success is almost invariably due to one person or at most to a small group, who ask and receive no other reward than the satisfaction which comes from a labour of love, and to them must go the chief credit for the accomplishments of the local societies. With a view to assembling information which is not readily available, the REVIEW plans to publish in the near future a list of the societies from Atlantic to Pacific. It is hoped that the list will be as nearly complete and accurate as possible, and any assistance which may be given in supplying particulars regarding individual societies will be much appreciated. Already sufficient information has been collected to indicate that the list will be one of very considerable interest.

The annual meeting of the Ontario Historical Society, which was held in Collingwood on July 15-17, was by common consent the most successful for many years. Collingwood's importance

as a centre of shipping on the upper lakes, and its proximity to the Huronia of the Jesuit missions provided historical associations of more than usual interest. Specially appreciated was the visit to the hull of the schooner *Nancy*, which was built in Detroit in 1789, and which, after many years service as an important commercial vessel on the lakes, was sunk towards the end of the War of 1812 in the Nottawasaga River. With assistance from the Dominion and Ontario governments and the county council of Simcoe, the hull has been salvaged and plans are being made to have it preserved in surroundings worthy of its great historical value. The meetings of the society were held in the Huron Institute and this added, perhaps more than any other circumstance, to the interest of the occasion. Collingwood has in the Huron Institute one of the finest local historical museums in the Dominion. It has been built up largely through the enthusiasm of Mr. David Williams, the editor of *The Collingwood Bulletin* and a past president of the society. In some respects the collection is truly remarkable, being particularly good in its illustrations of the development of transportation, especially by water, from the early days of the province. A number of well written papers were read at the meeting, a full account of which was published in the *Bulletin* of July 23. The papers will be printed as usual in the annual report. The resignation of Mr. Ernest Green of Ottawa from the presidency was received with great reluctance, as his contribution to the society has been one of unusual value under difficult circumstances. Keen regret was also expressed for the resignation of Mr. A. F. Hunter as secretary of the society after some eighteen years of devoted service. The following officers were elected: Professor A. H. Young of Trinity College, Toronto, president; Mr. A. J. Clark, Richmond Hill, and the Rev. C. H. E. Smith, Niagara-on-the-Lake, vice-presidents; Mr. J. McE. Murray, secretary-treasurer.

Two appointments of more than usual interest were announced recently. Professor G. M. Smith, who retired some two years ago from the chairmanship of the department of history of the University of Toronto has accepted the chair in history at the University of Alberta. Professor D. C. Harvey has resigned as head of the department of history of the University of British Columbia and has been appointed archivist of the province of Nova Scotia. The province will no doubt soon have housed in its beautiful new archives building a very valuable collection of

historical materials which will be a source of pride and interest. Those responsible for appointments to these two important posts are to be congratulated on having them filled so competently.

In recognition of his writings on Canadian history Mr. Lawrence J. Burpee of Ottawa has recently received the signal honour of being presented with medals both by the French Academy and the Royal Society of Canada. *La médaille de vermeil* of the French Academy carries with it the title of *Lauréat de l'Institut*. The Tyrrell Medal presented to Mr. Burpee for 1931 by the Royal Society is awarded annually for valuable work done in writing and the collection of historical materials.

In our last issue there appeared (p. 210) a short review of a volume regarding the Rev. A. G. Morice of Winnipeg, which was written under the designation "D.L.S." Father Morice takes strong exception to every criticism expressed in the review which was written by Professor A. L. Burt, and associates himself with the opinions expressed on controversial topics in the book. The REVIEW has no means of forming an opinion on these controversial topics but is glad to inform its readers that Father Morice objects very strongly to Mr. Burt's criticisms. We are interested to learn from Father Morice that a translation of the volume for publication in France has been commenced. Doubtless this is, in part, in recognition of his writings on Western Canada which are deservedly well known, and of which Mr. Burt expressed appreciation in his review.

The articles in this issue have been written by Mr. C. P. Stacey, a graduate of the University of Toronto, who is now doing post-graduate work at Princeton University, and by Mr. Charles F. Mullett of the University of Missouri. Dr. H. P. Biggar of London, England, and Professor Bartlet Brebner of Columbia University have contributed to the notes and documents section. The review article is by Professor W. P. M. Kennedy, head of the department of law in the University of Toronto.

FENIANISM AND THE RISE OF NATIONAL FEELING IN CANADA AT THE TIME OF CONFEDERATION

ABOUT the hostile enterprises of the Fenian Brotherhood against British North America in the years following the American Civil War there hangs an atmosphere of comic opera. They recall a remark of the immortal Mr. Dooley: "Be hivins, if Ireland cud be freed be a picnic, it'd not on'y be free to-day, but an impire, begorra!" It is easy to forget that to the Canadian people and government this Fenian agitation was a very genuine cause of apprehension for at least six years, and that at frequent intervals during that time it took complete possession of the public mind.

When we recall that those years saw the final stages in the struggle for the federation of the provinces, and the inauguration of the Dominion of Canada, the influence of the Fenian menace on the mental attitude of the public becomes a matter of definite interest. In New Brunswick it certainly served as a direct political argument for federation, particularly in the election of May and June, 1866, which, reversing the previous year's result, was a complete victory for the federalists.¹ In the province of Canada, to a discussion of which this paper is largely confined, parliament had approved of federation before the menace became important, but had decided not to seek confirmation of its policy in the verdict of an election. Fenianism provided a most beneficial influence upon the immediate and ultimate fortunes of the project, by creating at once a popular apprehension of danger which worked strongly against any possibility of a repudiation of parliament's decision, and by engendering an atmosphere of patriotic enthusiasm eminently favourable to the success of an experiment in nation-building. All the circumstances of the Fenian flurry strengthened the forces working for a distinctive colonial nationalism, for Canada's political interests and emotions were found for a time to be opposed even to those of the mother country at some points, and entirely hostile to those of the United States, whose shadow falls so darkly across this period of Canadian history.

The explanation of the undue anxiety aroused in Canada by

¹R. G. Trotter, *Canadian federation* (Toronto and London, 1924) 128-30, 139n.

the Fenians' threats must be sought in the general circumstances of the time. The province was normally peaceable, and had not been the object of actual aggression since the troubles following the rebellions: these conditions magnified small difficulties. On the other hand, the situation in North America had for years been productive of uneasiness. The greatest civil war in history had been going on before Canada's doors, and had led to a bitter antipathy for things British in the northern states, and to a vast increase in American military power.¹ Its last phases had been marked by alarming difficulties resulting from Confederate attempts to use Canada as a base of operations.² At the end of the war, distrust of the future attitude of the United States was general in Canada. It found striking expression in parliament during the debates of 1865 on Confederation. Thomas D'Arcy McGee, advocating federation, made much of the American menace; and Christopher Dunkin, opposing, did not deny its existence, though he feared "pacific hostility" rather than direct attack.³ George Brown, in one crowded passage of his great speech, summed up the desperately anxious circumstances of the day:

The civil war . . . in the neighbouring republic; the possibility of war between Great Britain and the United States; the threatened repeal of the Reciprocity Treaty; the threatened abolition of the American bonding system for goods *in transitu* to and from these provinces; the unsettled position of the Hudson's Bay Company; and the changed feeling of England as to the relations of great colonies to the parent state—all combine at this moment to arrest earnest attention to the gravity of the situation, and unite us all in one vigorous effort to meet the emergency like men.⁴

Such was the heavily-charged atmosphere in which the Fenian attempts were made. Their importance was enhanced by the danger that they would cause serious complications with the nation in which they originated—a consummation which the

¹E. D. Adams, *Great Britain and the American civil war* (London, 1925) II, 199 and n., and *passim*.

²Especially the St. Albans raid of October 1864. See the correspondence in *Sessional papers* (Canada) 1869, (v. 6) no. 75; quoted hereafter as "Correspondence 1869". These matters are omitted by Adams.

³*Parliamentary debates on the subject of the confederation of the British North American provinces*, 3rd session, 8th provincial parliament of Canada (Quebec, 1865) 143-6, 531.

⁴*Ibid.*, 114. Misgivings aroused in Canada by the prevalence of "Little England" opinions in Britain were noted by the American press,—*New York Tribune*, July 8, 1865.

Fenians certainly devoutly wished; and it was exaggerated by American newspapers whose stories were repeated by their Canadian contemporaries.

Geography had much to do with the alarm felt in Canada. The province was, in effect, one long frontier. The land border of Quebec's Eastern Townships and the river frontages of the St. Lawrence, the Niagara and the St. Clair seemed especially exposed, and the towns on the Great Lakes, and even on Georgian Bay, suffered from periodical scares. Canadian newspapers agreed that the Fenians were not capable of major operations, but that marauding raids were probable,¹ and there were few communities in Canada that found it difficult to imagine themselves objectives of such enterprises.

Finally, uneasiness was certainly increased by the known presence within the province—and particularly in Toronto—of a body of Fenian sympathizers whose formidableness was exaggerated. Canadian Fenianism was never really dangerous. Any conspiring in Canada was carried on in the paralysing fear not only of government but of the Orange Association and of mob loyalty generally, and there were few to take the risks. Nevertheless the potent fear of domestic foes contributed to the panic feeling, and, incidentally, unjust suspicion certainly fell upon many a loyal Irish Roman Catholic.²

The Fenian Brotherhood—a descendant of earlier Irish-American militant societies—was founded in 1858,³ but acquired importance only with the conclusion of the Civil War. American opinion hostile to Britain found in it a stick to beat the enemy; shortly after Appomattox, for instance, the *New York Herald* awoke to its possibilities and devoted almost a page to an exaggerated description of the organization, observing:

They are indeed a stiff-necked generation and the sooner President Andrew Johnson goes to work and crushes them out . . . the better and happier will it be for our dear trans-Atlantic cousins, who

¹Toronto *Globe*, March 30, 1866; Toronto *Leader*, March 9, 1866; Montreal *Gazette*, March 8, 1866.

²Considerable information on Canadian Fenianism is collected by E. R. Cameron in *Memoirs of Ralph Vansittart* (Toronto, 1924; 2nd ed.).

³J. Denieffe, *A personal narrative of the Irish revolutionary brotherhood* (New York, 1906), v-viii, 17-25; John O'Leary, *Recollections of Fenians and Fenianism* (London, 1896) I, 80-91. Cf. James Stephens's speech of May 15, 1866 (*New York Tribune*, May 16, 1866).

equipped rebel corsairs against our commerce and armed rebel armies against our lives; and also for those sweet, pleasant neighbors of ours—the Canadians—who have refused to surrender the St. Albans cutthroats and burglars, and who have made their whole frontier for the past four years a Northern base of operations for our Southern foes.¹

At the same time thousands of discharged veterans, including numerous Irishmen, were available for Fenian purposes.

Prosperity, however, brought schism in its train. At the end of 1865 a quarrel, long brewing between John O'Mahony, the rebel of 1848 who was the Brotherhood's "Head Centre", and a group of prominent members who disliked his policy, came to open collision over the sale of the "bonds of the Irish Republic" designed to finance the Fenian operations. Thenceforward there were two Fenian organizations—one headed by O'Mahony, the other by W. R. Roberts, formerly president of the Fenian "Senate",² with General T. W. Sweeny as his "secretary of war". O'Mahony, honest apparently in his Irish patriotism,³ believed the proper aim of the society to be the promotion of revolution in Ireland. Roberts on the other hand—perhaps chiefly for the sake of a distinctive rallying cry in the competition with O'Mahony—claimed that Irish freedom was to be won by invading Canada, which was to be held as a base against Britain! When in January, 1866, O'Mahony was vindicated by a Fenian convention, Roberts and Sweeny went on an extensive oratorical pilgrimage through the states, enunciating this peculiar evangel and apparently gaining no small number of disciples by promising, "before the sun of May shines, to conquer a certain territory upon which the Irish flag shall be planted, and which shall be made the base of operations against England for the liberation of Ireland."⁴ Sincere Irish nationalists seem to have disapproved this scheme. One of the best of them wrote later, "Colonel Roberts . . . and most of the Senators were men of whom we knew little and for whom we cared less"; and again, "To my mind the Canadian policy was

¹ May 5, 1865. Quoted at length, *Toronto Globe*, May 8.

²In October, 1865, the Brotherhood adopted a constitution modelled on that of the United States.

³See the estimate of him in O'Leary, *Recollections*, I, 102-4. O'Leary also wrote the article (not good in detail) on O'Mahony in the *Dictionary of National Biography*.

⁴Sweeny's speech at Buffalo: *Toronto Leader*, January 27, 1866.

suicidal."¹ Roberts however got his policy approved by a convention of his own in February, and the "Canadian wing" existed until after the invasion fiasco of 1870. To the rivalry between the two factions must be attributed much of the crazy activity of 1866.²

These events across the border, advertised by the press, naturally caused alarm in Canada. The scheme of invasion had been in the air before the Fenian schism—it formed part of the programme outlined in the *Herald's* "spread" in May, 1865; and in the autumn of that year the British consul in New York warned the Canadian government of the probability of disturbances on the border. The government then took its first defensive action.³

At the time of the Crimean War, Canada had superimposed on the militia an active volunteer force, at first only 5,000 strong but increasing by the outbreak of the Fenian difficulty to about 20,000. This volunteer army enjoyed a popular favour not accorded to the old militia. It seemed a force on which colonial sentiment could centre with peculiar warmth; throughout this crisis we find that the volunteers are the darlings of the country. Their generous enthusiasm (of which there is no doubt) and their military value (which their countrymen tended to exaggerate) were exalted in the press to the almost complete exclusion of notice of the large body of imperial regulars then in Canada. The volunteer force seemed to be made at once the occasion and the symbol of a new national pride.

During the last months of the Civil War a considerable body of the volunteers had been employed in preserving the neutrality of the Canadian frontier.⁴ The cabinet now turned to them once more. Probably influenced by the commander-in-chief, Sir John Michel, then administering the government, the cabinet on November 9 called out nine companies for frontier duty to secure the province against "raids or predatory incursions that may be

¹O'Leary, *Recollections*, II, 213, 233n. See also Richard Pigott, *Personal recollections of an Irish national journalist* (Dublin, 1882), 221. O'Leary is described in Katharine Tynan, *Twenty-five years: Reminiscences* (London, 1913) as "almost fanatically high-minded and clean-handed" (p. 131).

²For the development of the Fenian organization, see in addition to books already quoted: "John Rutherford", *Secret history of the Fenian conspiracy* (London, 1877) and John Savage, *Fenian heroes and martyrs* (Boston, 1868). The various Fenian congresses published their *Proceedings*.

³Public Archives of Canada, G, vol. 236: Archibald to Lord Monck, September 16, November 1, 1865.

⁴*Globe*, December 20, 22, 1864; "Correspondence 1869", 67-9, 74.

made during the coming winter by the class of citizens of the United States known as the Fenian Brotherhood.¹ At the same time John A. Macdonald communicated confidentially with the Canadian railways, cautioning them against leaving rolling stock where it could be seized by raiders, and requesting them to be prepared if necessary to break up the permanent way in order to prevent engines and cars being brought in from the United States or carried off from Canada.² Michel hastily arranged for the completion between Montreal and Kingston of a telegraph line "removed from the frontier and so not exposed to hostile interruption", and he reinforced London, Canada West, to reassure "the peaceable inhabitants of that part of the country."³

The smallness of the force called out indicated that the emergency was not pressing, and volunteers came forward so slowly that some units had to resort to the draft to procure their quotas for the service companies, which were stationed on the St. Lawrence, Niagara, and St. Clair frontiers. All that winter there were Fenian alarms on the border; the presence of the few service companies could not allay the uneasiness. As spring approached, and the newspapers reported the loud threats of Roberts and Sweeny, they reported, also, scares in frontier communities from Stanbridge to Sarnia, and anxious feeling throughout the country.⁴

At the beginning of March the news of the suspension of the habeas corpus in Ireland (carried through parliament on February 17) and the wholesale arrests which followed,⁵ stirred both the American Fenian groups to a frenzied activity which attracted much attention in Canada.⁶ The provincial government by now was working in the atmosphere created by a bombardment of panicky communications from officials of border municipalities, gratuitous intelligence from private individuals of all sorts, and offers of service from persons who considered that their own abilities or situations fitted them to act as secret agents against the Fenians.⁷ This storm broke most heavily on Macdonald, who was at once attorney-general for Canada West, minister of militia, and in reality, though not in name, head of the government:

¹Council minute, Public Archives of Canada, *Series C*, vol. 184, p. 1.

²Public Archives of Canada, *Macdonald papers*, "Fenians" II, 25-7. These papers were used by the kind permission of Dr. A. G. Doughty.

³G, vol. 218, pp. 154-60: Michel to Cardwell, November 13, 1865 (two despatches).

⁴E.g., *Leader*, February 1-5, 1866; *Globe*, January 11, February 25.

⁵*Hansard*, 3rd series, CLXXXI, 724; *The Times*, February 19, 1866.

⁶*Globe* and *Leader*, March 3 and succeeding days.

⁷*Macdonald papers*, "Fenians" II, *passim*.

McGee said of him that at this time he was threatened with the fate of the official who was crushed to death under his own papers.¹ The rumour now began to circulate that a raid on Canada, with the co-operation perhaps of domestic malcontents, was projected for March 17—St. Patrick's day, and also the day set for the termination of the Reciprocity Treaty.² On March 7, the ministry called out 10,000 volunteers for service.³ This action, the governor-general reported to the home government, was the result of information from many quarters, including police reports of suspicious characters entering the province from the United States:

These reports taken in conjunction with the open avowals . . . of the leaders of a portion of the Fenian Society that it was their intention to attack this Province had induced a feeling of great uneasiness and insecurity amongst the people.

My advisers came to the conclusion, in which I entirely concur, that the time had arrived when it was necessary that the Government should adopt some decided course for proving to the people of the Province, as well as to those who might entertain the notion of invading it, that substantial provision had been made for protecting the former and repelling any attack.⁴

We have it on McGee's authority that Macdonald insisted on mobilizing 10,000 men when others thought half that number sufficient;⁵ he was evidently determined that the demonstration should be an impressive one.

So far as the people of Canada were concerned, it fulfilled this purpose. The sequel was in striking contrast to the apathy of November. Coming in the anxious atmosphere of that time, this order occasioned a remarkable outburst of national spirit. For the response of the volunteers we cannot do better than quote a passage of the adjutant-general's report:

On the 7th March, 1866, the Adjutant General, on his way from Ottawa to Montreal, received at Kemptville, at four o'clock p.m., a telegraphic message from the Honorable the Minister of Militia, as follows:

¹Pope, *Memoirs of Sir John Macdonald*, I, 295; *Leader*, September 7, 1866.

²Macdonald papers, "Fenians" II, 157-9: Monck to Macdonald, March 5, on reports from Toronto. *Leader*, February 28, March 17; *The Times* (London), March 17, 22; *New York Herald*, March 1.

³"Correspondence 1869", 152.

⁴*Ibid.*, 139-40: Monck to Cardwell, March 9. In *G*, vol. 219, pp. 44-6.

⁵*Leader*, September 7, 1866: speech at Kingston.

" . . . Call out ten thousand (10,000) men of Volunteer Force. . . . They must be out in twenty-four (24) hours, and for three (3) weeks and whatever further time may be required. . . .

(Signed,) JOHN A. MACDONALD."

By making use of the Post Office van, the Adjutant General was enabled in the course of the journey to despatch messages . . . to the Militia Staff Officers . . . prescribing the quota to be furnished in each district. On the arrival of the train in Montreal at midnight, answers were received from all the districts announcing that arrangements were in progress; and by four o'clock p.m. on the following day (8th), it was reported . . . that the total number of 10,000 men were assembled at their respective head-quarters, awaiting orders. . . .

It is quite certain that in place of the 10,000 men called for, 30,000 could have been mustered within 48 hours; and indeed when the Returns were received . . . it was found that the number called for . . . had been exceeded by 4,000 men; and that . . . there were actually 14,000 doing duty with the Service Force.

This excess was occasioned by the fact that the Staff Officers, in view of the limited time allowed . . . were obliged to call out the different Companies at their actual strength; but the eagerness to share in the defence of the country was such that the Companies were increased to the full strength by men coming to join from distances which could not be anticipated. There were many instances of Volunteers coming in from distant parts of the United States, having given up lucrative employment at the call of the duty which they owed to Canada. . . .

The Fenians would indeed have proved the invaluable, though involuntary benefactors of Canada, if the only experience derived from their foolish proceedings had been the proofs of warm attachment exhibited by Canadians universally for the land of their birth or adoption. But the benefits conferred by the "Brotherhood" do not stop here. By uniting all classes, and by the opportunity afforded of testing its military organization, they have given to the Province a proud consciousness of strength, and have been the means of obtaining for it, in England in particular and before the world at large, that status and consideration as a great people, to which by the magnitude of its resources and by the spirit and intelligence of its population, it is justly entitled.¹

¹"Report on the state of the militia . . .", *Sessional papers*, 1866. (v. 2), no. 4: pp. 6-7. The adjutant-general was Colonel Patrick MacDougall (later General and K.C.M.G.).

The government's action was generally commended by the press as a wise measure of precaution, and the enthusiasm of the volunteers was reported with great satisfaction.¹ The public at large seems to have shared their feeling. Subscriptions were raised to assist the families of serving volunteers. Numerous applications were made by municipalities for arms for "home guards," which were being organized on every side. When alarms took place, citizens turned out to support the troops.²

There were, of course, some notes of criticism. It was not to be expected that *The Irish Canadian*, the organ of the disaffected group in Toronto, would approve of the call to arms; nor that there would not be some dissent in French Canada. *Le Canadien* protested that were the danger pressing 10,000 men were not enough; if not, the call had been made with undue precipitation. Of "the two *Rouge* journals of Montreal", *L'Union Nationale* chose to consider the Fenian menace serious, and called for arrests among the disloyal—in Toronto; but *Le Pays* minimized it and objected to the mobilization.³ There were two cases in the lower province of refusals of volunteer companies to turn out, and a number of absentees ultimately had to be brought in and court-martialled.⁴ In general, however, the response there as in Upper Canada was made with alacrity; the officer in charge at Quebec reported great enthusiasm, and Montreal's zeal does not seem to have been less than Toronto's.⁵

The flurry in Canada received large notices in the American press, the satirical note predominating and the opinion being freely expressed that the St. Albans raid was "coming home to roost."⁶ Nor were some papers slow to brand the Canadian government's move as a "confederation ruse", a shifty expedient for cheating "Manifest Destiny" of its prey. A Toronto correspondent of the *New York Times* wrote:

Many assert that this hubbub is got up for political reasons, to unite the opposing factions to a sense of their danger, so that the annexationists may be silenced [!] and Confederation carried next month in Parliament. . . . If this be the real object of the Govern-

¹Montreal *Gazette*, March 8; Toronto *Globe* and *Leader*, March 9.

²"Report on state of militia", 7, 34-6; *Leader*, March 14, 15; *Macdonald papers*, "Fenians" II, 199-200.

³Quoted, *Leader*, March 15, 16, 24.

⁴"Report on state of militia", addenda, p. 6.

⁵*Ibid.*, 41-4; New York *Herald*, March 10.

⁶*Ibid.*; New York *Times*, March 9, 10.

ment, it will probably be successful, for all parties seem to have forgotten their political differences, and rally for united and determined defence.¹

Most of the point is taken out of this charge by the fact that parliament had approved federation in the session of 1865. We may, of course, be certain that the ministry, and Macdonald especially, in considering their course did not overlook its possible effect upon the fortunes of the great measure; and it is probable that they assumed that a display of military efficiency in Canada would afford a convincing argument to the federal party in the provinces by the sea. Nevertheless, the circumstances would indicate that their strongest motives were the ostensible ones. Moreover, the partial mobilization entailed a heavy unforeseen charge upon the provincial revenue, for which indemnity would have to be sought from parliament;² it would have required great hardihood to face this prospect for the sake of a political ruse.

St. Patrick's day, awaited with deep anxiety, came and went nevertheless in a calm that was unbroken throughout the country.³ The province began to breathe more freely. At the end of March the volunteers—save for a very few frontier companies—were dismissed to their homes.⁴ Events were to show that the border was too completely stripped of troops.

Newspaper comment at this time demonstrates the strength of the impression made by the recent novel events. The *Toronto Globe* summed up the feeling in words not unlike the adjutant-general's:

The events of the last fortnight have not only shown unmistakably that the true British spirit beats universally throughout our country—that the people of Canada are ready, as one man, to defend their homes and fire-sides—but they have established the fact that the military system of the Province works efficiently. . . . From every part of the country comes but one statement as to the admirable appearance of the volunteers, their good conduct, their enthusiasm in the service, and the rapidity with which they become proficient in their duties. We have observed, with the utmost satisfaction, the feeling of entire confidence in the Volunteer and Militia forces for the defence of our country that has been produced.

¹New York *Times*, March 10; cf. *Herald*, same date.

²By April 10, frontier defence engagements uncovered by appropriation amounted to \$423,057: *Sessional papers*, 1866 (v. 3), no. 20, pp. 2-4.

³*Leader and Globe*, March 19; *Canadian Freeman* (Toronto) March 22.

⁴"Report on state of militia", 7.

. . . While there has been a general avowal of aversion for war, and desire that the threat of it might soon pass away—there has been but one expression heard on every hand of quiet, resolute determination, that, should war unfortunately come, every available man must be brought into the field promptly and unhesitatingly.

The Fenians have unwittingly done an essential service to the Canadian people, by inspiring them with a degree of confidence in their defensive strength which they did not before possess. They have, moreover, given our Republican neighbours an opportunity of seeing how earnest and unanimous is the love of the people of British America for British alliance, and how utterly groundless has been the impression so diligently propagated, that the desire for annexation to the United States was general in Canada. And still further, they have enabled us to show to the people of England that, while we claim in time of war the aid and assistance of British arms, we are conscious that on ourselves must mainly depend the defence of our soil from aggression, and so far as our ability goes, our duty to the Empire will be firmly and heartily performed.¹

In a public speech at Ottawa, Lord Monck remarked that Canada could never again be justly charged with the "helplessness, inertness and dependence" that had been asserted to be characteristic of British colonies.² The Canadians looked to the mother country for recognition of their efforts; and it is the fact that their activity aroused unusual interest there. Even *The Times* showed the improvident colonists some kindness. "Our own correspondent" came hastening from New York to Toronto, and bore witness to the reality of Canadian preparations. Patronizing editorial approval followed:

Even Fenianism . . . is not without its attendant advantages, and certainly not the least of these is the display which it has called forth of the loyal and energetic disposition of the Canadians. . . . Englishmen will rejoice at such a disposition, and they will be still more gratified to see that it is expressed in acts as well as in words. The arrangements for defence, which were made at so short a notice, do credit alike to the energy and to the organization of the Canadian forces. . . . If this is the spirit in which the Canadians are prepared to meet any danger of aggression, they will not lack efficient support in this country.³

¹*Globe*, March 30; similar opinions expressed by its Tory rival, the *Leader*, on March 31.

²*Leader*, May 3, 1866.

³*The Times*, March 31, 1866. *The Times* had no Canadian correspondent.

The Fenian excitement immediately flared up in another quarter. On April 6 reports began to come in of a threat by O'Mahony's party against New Brunswick—against, particularly, Campobello Island in Passamaquoddy Bay. One of O'Mahony's lieutenants, B. D. Killian, had induced him to sanction this enterprise.¹ British warships were quickly on the scene, and the local forces of New Brunswick and Nova Scotia mustered. Killian's activity continued through most of April, but the only achievements of his adherents were a couple of acts of stealthy incendiarism, and the strengthening of the case for federation in New Brunswick. After a time General Meade appeared with United States troops, seized a quantity of the Fenians' arms, and completed their discomfiture.² These happenings had echoes in Canada. On April 9, a group of Toronto Fenians were arrested at Cornwall while *en route* to Maine.³ About this time the adjutant-general was authorized to increase the volunteer force in such a way as to provide "a small but reliable army of 30,000 men."⁴

While O'Mahony's prestige was still low as a result of the Campobello fiasco, James Stephens, "Chief Organizer of the Irish Republic", lately escaped from a Dublin gaol, arrived in New York and accepted O'Mahony's proffered resignation.⁵ Roberts and Sweeny, however, refused Stephens's overtures, and pushed on their preparations for an attack on Canada.⁶ At the beginning of June they actually attempted invasion. This, the most important demonstration ever made by Fenianism on either side of the Atlantic, was so badly concerted as to be even less effective than might have been expected. Sweeny's plan⁷ excites suspicion either of his honesty or his sanity, or both. It comprehended, not the troublesome raids to which his resources would have been equal, but the seizure of the province at a stroke—three different columns entering the western part of Upper Canada, while the St. Lawrence frontier was nevertheless to be the main point of attack! In the end, all that came of it was a determined

¹New York *Herald*, May 7, 1866.

²"Correspondence 1869", 164, 167-70; J. Vroom, "The Fenians on the St. Croix" (*Canadian Magazine*, March 1898); New York *Times*, April 20.

³*Globe and Leader*, April 10, 11.

⁴"Report on state of militia", 8-9.

⁵New York *Tribune*, May 1, 8, 11, 12, 1866.

⁶*Ibid.*, May 15, 16. Sweeny in his report (*Journal of the American Irish Historical Society*, XXIII, 1924, 199-203) states that on April 16 the "Senate" passed a resolution urging him to what he deemed premature action.

⁷Sketched in his report.

little foray on the Niagara, where there chanced to be a Fenian officer—John O'Neill—who was not afraid to fight,¹ and some plundering on the Vermont border by men who were.

The tiny campaign in the toe of the Niagara Peninsula on June 1 and 2 was bungled by the imperial officer in command at Toronto,² and by volunteer officers on the spot. Its chief incident took place on June 2, when a detached column composed entirely of volunteer infantry, which was attempting to form a junction with the British main body, met the raiders near Ridgeway. The volunteers, attacking with a spirit which O'Neill later acknowledged, drove them from their first position; then however, largely as the result apparently of an absurd order given by their amateur commander, the Canadians became disorganized and abandoned the field to the Fenians. Their loss was 9 killed or died of wounds, and some 30 wounded, sustained chiefly by the Queen's Own Rifles of Toronto; that of the Fenians was probably about the same.³ The other column failed to come up in time, and O'Neill and most of his force escaped that night by boat; troops converging on his position next morning found it empty. The returning raiders were arrested by an American gunboat which had been patrolling the river to prevent their being reinforced, but were released a few days later; no penalty was ever exacted for their breach of the neutrality laws.⁴

On the eastern frontier, where (as the Canadian authorities knew) the main Fenian effort was intended, the largest British concentration took place.⁵ Here, however, there was no fighting. During a temporary retirement of outposts from the Mississquoi

¹O'Neill took charge only because the officer intended for that duty had conveniently absented himself. See his *Official report . . . on the attempt to invade Canada . . . 1870 . . . also a report of the battle of Ridgeway* (New York, 1870), 37.

²Major-General George Napier; called by Lord Wolseley "useless for any military purpose". *The story of a soldier's life* (Westminster, 1904) II, 146-7.

³G. T. Denison, *The Fenian raid on Fort Erie . . .* (Toronto, 1866), appendix B.

⁴On the Fort Erie raid, we may note in addition to books already mentioned: A. Somerville, *Narrative of the Fenian invasion of Canada* (Hamilton, 1866); G. T. Denison, *Soldiering in Canada* (London, 1900), chap. VII; J. A. Macdonald, *Troubles times in Canada . . .* (Toronto, 1910); *Proceedings and report of the court of inquiry on . . . the late engagement at Lime Ridge* (Ottawa, 1866). One of the best accounts is that by General E. A. Cruikshank, published with other material on the episode in Welland County Historical Society *Papers and records*, II, 1926. There is useful unpublished material in the Public Archives, C, 1672.

⁵"Correspondence 1869", 144: Monck to Cardwell, June 14. Colonel C. F. Hamilton discusses the dispositions in "The Canadian militia: The Fenian raids" (*Canadian Defence Quarterly*, April 1929).

border; a body of Fenians crossed, did \$15,000 worth of damage, and retired without facing the advancing troops. On the other side of Lake Champlain, a serious threat to the town of Huntingdon, on June 6, was lifted by a fine march of a reinforcing column of volunteers.¹

The reaction of the province to the emergency shows the same feeling as in the alarm of March, heightened by the fact of actual aggression. On May 31, in view of the Fenian assembly at Buffalo, 14,000 volunteers were called out. These were ready within twenty-four hours, many having moved to their stations. On June 2, the whole remaining strength was called out; next day the province had "more than 20,000 men" of its own forces under arms. The men turned out "not only willingly but eagerly."² The desire of the citizens generally to share in the defence was reflected in a general order of June 8, placing on the list of the volunteer militia 50 additional companies and 3 batteries.³ As before, large numbers of Canadians returned from the United States. In Chicago a group had been roused by the talk of invasion into forming a national society, and drilling in order to be of use in case of need. In March, they informed the mayor of Toronto that they would be available if fighting commenced; in June, they hastened thither, about sixty strong, were gazetted as an independent company, and did duty for some time, their action receiving due notice.⁴ Monck reported it to the home government, stating also that he had been able to decline an offer of service from Canadians in New York. The feeling of the country had evidently impressed him:

The period of the year at which the people have been called on to make these sacrifices . . . has been the most inconvenient that could have been selected, yet I have never heard a murmur from any quarter at the necessity of suspending industrial occupation involving the risk of a whole year's production, while I have received information of a good deal of discontent on the part of those who were anxious to give their services, but whose presence in the ranks was not considered necessary.⁵

¹"Report on state of militia", addenda, 7, 15-18; *Sessional papers* 1866 (v. 4), no. 61.

²"Correspondence 1869", 152; "Report on state of militia", 22.

³*Canada Gazette*, June 9, 1866.

⁴*Ibid.*, June 16; "Report on state of militia", 22; *Leader*, March 26, May 28, June 6, June 22, 1866.

⁵"Correspondence 1869", 144-6; Monck to Cardwell, June 14.

The cities of Canada in the first days of June, 1866, were in the grip of such excitement as they have seldom known. "Nothing like it since 1837", said a despatch from Montreal; and newspapers testify in striking terms to the violence of feeling in Toronto, more closely touched than any other city by the events of the raid. Civilian enthusiasm there found vent in the enrolment of special constables, in the provision of food and comforts for the volunteers, and in subscription to a patriotic fund which rose to large proportions.¹ The shedding of blood in defence of Canadian soil caused an outburst of emotion such as might have greeted the first engagement of a great war. The fact that three of the dead volunteers were young undergraduates of the University of Toronto made the sacrifice all the more keenly felt. The public funeral held in Toronto on June 5 was the occasion of universal mourning, not only in the city but throughout the upper province. The *Globe* struck the keynote of popular feeling in a leading article of June 6 which hints at suspicion of the United States:

We have buried our dead; but the lesson which they have taught us in their fall, will live long after all who were present at the ceremonies . . . have followed them to the tomb. It is a lesson of devotion to country, which, when deeply learned by a people, produces glorious results. Our brave fellows died to save our country from being overrun by a horde of robbers; but, beyond that, to preserve to us institutions and laws, attachments and sympathies, hopes and aspirations, all in fact that is dear apart from family ties, to an intelligent population. On their tombs the people of Canada will record anew their determination to yield no jot or tittle of their birthrights, to hold fast the tie on the motherland which distinguishes them, and proudly distinguishes them from the other nations of this continent. Behind the mask of sympathy for Irish wrongs, there lurks a desire to force this country into a political connection with their neighbours by means of border troubles. If any one else should ever be tempted to yield to such a pressure, the recollection of the men who fell on Lime Ridge will banish forever the despicable thought. The autonomy of British America, its independence of all control save that to which its people willingly submit, is cemented by the blood shed in battle on the 2nd of June.

On June 8, with the frontier still threatened, the provincial parliament, meeting for the first time at Ottawa, gave speedy evidence of the seriousness with which it regarded the situation.

¹See the *Leader*, June 2, 4, 6, 7, 9, 13.

The governor-general's speech declared:

The entire people have been thoroughly aroused by recent occurrences; and it must now be apparent to all, that the whole resources of the country, both in men and means, will at any moment be cheerfully given in repelling any invasion. . . .

It urged the necessity of extending to Lower Canada the act¹ passed in Upper Canada in 1838, permitting the trial, either by militia court martial or by the court of queen's bench in any district, of subjects of foreign nations at peace with Britain taken in arms in the province, or of British subjects acting with them; and of suspending temporarily the writ of habeas corpus. Bills to this effect being brought in, the rules were suspended and they were read three times and passed by the assembly; the legislative council immediately passed them likewise; and Lord Monck, returning to the council chamber, signified the royal assent.² These and two later acts,³ indicating a Canadian intention of taking a short way with Fenians, alarmed the imperial government and occasioned some unusually peremptory despatches.⁴

Parliament during the rest of the session continued to act in a spirit of emergency. It passed a statute "to prevent the unlawful training of persons to the use of arms" and an act of indemnity to cover the unforeseen military expenditure, and sanctioned an unprecedented appropriation for defence: as against only \$480,704 for 1865-6, now \$1,897,085 went to this purpose out of a total budget of only \$7,003,236. This generosity was, perhaps, a result of the fact that the raid had been followed by much criticism of the militia's defective equipment. Not the least significant item in the supply act was \$100,000 for "detective and secret service."⁵

The events of June, 1866, marked the high tide of Fenianism; it never again succeeded in organizing so serious a demonstration against Canada. But the open attempts of the "Canadian" wing of the Brotherhood at promoting invasion continued, and until its disruption after the failure of 1870 Canada suffered from repeated "fever fits of apprehension."⁶ First and most violent was

¹Consolidated statutes of Upper Canada, cap. 98.

²Journals of the legislative assembly, 1866, 2-4; of the legislative council, 21-2. The acts are 29-30 Vict., caps I and II.

³29-30 Vict., caps III and IV, amending cap. II and its Upper Canada prototype.

⁴G, 176: 93-6, Cardwell to Monck, June 30, 1866; 116-18, Carnarvon to Monck July 7, 1866. G, 177: 55-7, Carnarvon to Monck, September 13, 1866.

⁵29-30 Vict., caps. V and IX; *Statutes of Canada, 1865*, 14; *ibid.*, 1866, 46-8.

⁶The adjutant-general in "Report on state of militia, 1867", 13.

that of August, 1866, when a storm of panic swept the province, particularly those sections most responsive to the ideas of the *Toronto Globe*, which—purely, Macdonald thought, from desire to embarrass his government—was in an alarmist mood.¹ Citizens of Toronto telegraphed Macdonald threats of dire consequences if the administration did not show more activity in defensive preparation;² the volunteers demanded a supply of the new breech-loading rifles;³ a camp of observation was formed to guard the Niagara, and another projected in Lower Canada;⁴ and, with a suddenness that surprised Downing Street, Monck and Michel sent across the new Atlantic cable a demand for strong reinforcements. The response from England was prompt and generous, though Macdonald did the imperial government less than justice in this connection.⁵ The panic retarded the departure of the Canadian delegates for the Westminster conference on the details of federation; and, when they did sail, the rumour circulated that their ships had been captured by Fenians.⁶ While unusually severe, this panic typifies the fashion in which the Fenian conspiracy kept Canada in a state of "nerves" during the next four or five years.⁷

J. H. Gray observed that, while the Fenian agitation was not a cause of Confederation, it "essentially proved the necessity of that military organization which, it was alleged, would spring from Confederation."⁸ That is, it lent impetus to a movement already under way. In this respect, as we have noted, its importance was least in Canada, where federation had been accepted before Fenianism came to dominate the public mind; but the Fenians loaded the dice against any who after 1865 were still disposed to

¹Pope, *Correspondence of Sir John Macdonald*, 37. See *Globe*, August 16, for allegation that Macdonald's intemperate habits interfered with his duty as Minister of Militia.

²Macdonald papers "Fenians", III, 809-11.

³Ibid., 790-93, 850-53.

⁴"Correspondence 1869", 154, 166; "Report on state of militia, 1867", 4.

⁵G, 220, p. 81: Monck to Carnarvon, August 27, 1866. G, 176, pp. 302-19: Carnarvon to Monck, August 31. G, 177, pp. 29-32: Carnarvon to Monck, September 12. *Correspondence of Sir John Macdonald*, 35.

⁶G, 177, p. 70. Macdonald papers, "Fenians", III, Cockburn to Macdonald, December 14, 1866.

⁷Examples of later alarms causing military preparations are those of March 1867, August 1868, October 1869.

⁸*Confederation: or, the . . . history of Canada, from the conference at Quebec . . .* (Toronto, 1872), 361.

fight the battle of particularism. To arouse popular sentiment against the scheme on the ground that it had not been directly submitted to the electorate might have been possible in ordinary circumstances, but was hopeless in the atmosphere created by the Fenian excitement. The Fenian danger gave the government much anxiety in 1866; but in domestic politics—despite the *Globe's* apparent attempt to make capital out of the situation—it almost certainly made the path straighter than it would otherwise have been.

Of greater ultimate importance, perhaps, is the fact that Fenianism tended to engender among Canadians an attitude that gave practical significance to that platform phrase "the new nationality." No mere constitutional proposal could have aroused the feeling that was awakened by the threats of these infatuated Irish-Americans. The menace imposed itself strongly upon the popular imagination, and in such a fashion as to cultivate a patriotic feeling which was distinctively Canadian. The resistance to the Fenians was in defence of the British connection, but it was also an act of simple self-defence in which Canadian eyes turned as never before to local resources. The volunteers received vast publicity, did the little fighting and sustained the few casualties. They gained at the expense of the regulars, for hasty criticism was directed at the latter for their failure to support the militia at Ridgeway.¹ Proper credit was not given to the imperial authorities for the trouble and expense involved in reinforcing Canada; all the military events of the time, in fact, as manipulated by the press and an excited public opinion, fostered a national feeling not dependent on Great Britain.

At the same time we observe the beginnings of a mistrust of British policy which grows as the agitation continues. It is seen in embryo in the comments of Canadian papers on Gladstone's statement in parliament in February, 1866, that the situation in America was not considered so serious as to demand representations to Washington.² Supported by the prevalent belief that British statesmen had lost interest in the empire, the conviction that they were palsied by the desire to avoid difficulties with the United States at any cost developed until the renewal of active

¹An example of this is seen in the recollections of a volunteer, *Reminiscences of Ridgeway*, in *The Varsity* (University of Toronto), June 2, 1883.

²E.g., *Leader*, March 12, *Globe*, March 14, 1866. Cf. *Hansard*, 3rd series, CLXXXI, 1036-44.

Fenian aggression in 1870. Canadian resentment then issued in a bitter declaration by the cabinet:

The Committee of the Privy Council feel it their duty to express very strongly . . . the deep sense entertained by the people of the Dominion of all shades of party, that they have not received from Her Majesty's Government that support and protection which, as loyal subjects of Her Majesty, they have a right to claim.¹

When, next year, Britain failed to secure for the Canadian claims arising out of Fenian activity a place in the Treaty of Washington, the Fenians might have plumed themselves on having fomented the most serious rift of sentiment between Canada and the mother-country since the grant of responsible government. This is the more unpleasant as it is certain that Canadian opinion never fully weighed the difficulties and responsibilities of the imperial government at this time.

More violent, and more rapid in growth, was Canadian feeling against the United States. Antipathy for the northern states had grown during the Civil War, being particularly strong in the cities; this was the foundation of more widespread hostility arising from the Fenian movement.² That it was the duty of the United States to suppress that conspiracy, openly organized upon its soil for the invasion of a friendly country, was proclaimed by Canadian newspapers before any actual attack took place; the president, they argued, should issue a minatory proclamation, similar to Tyler's of 1841.³ The American government, however, showed no disposition to act against the Fenians while they could avoid doing so. Britain had yet to admit the justice of the *Alabama* claims, and the conspiracy supplied a useful club to hold over her head in the course of the argument. In an unusually frank despatch to the American minister in London, the secretary of state said of the Fenian agitation:

It is . . . manifest that the sympathy of the whole American people goes with such movements for the reason that there is a habitual jealousy of British proximity across our northern borders,

¹*Sessional papers*, 1872 (v. 7), no. 26, pp. 3-4. Canadian resentment was increased by the decision at this time to withdraw the imperial garrisons, even from Quebec. *Ibid.*, 1871 (v. 5) no. 46; cf. *Correspondence of Sir John Macdonald*, 133.

²H. G. Macdonald, *Canadian public opinion on the American civil war* (New York, 1926); *Globe*, March 26, 1866. The *Globe* staunchly supported the Union during the war but was alienated by American toleration of Fenianism.

³*Leader*, May 12, 1866; *Globe*, March 14, 15, April 16. For Tyler's proclamation see *British and foreign state papers*, XXX, 1365-6.

and especially for the reason that this nation indulges a profound sense that it sustained great injury from the sympathy extended in Great Britain to the rebels during the war. The country has hoped and expected that in some way our complaints against Great Britain in that respect would be satisfactorily adjusted.¹

Not until four days after the Fort Erie raid did the American attorney-general issue an order for the arrest of breakers of the neutrality laws; and the president waited another day before issuing a proclamation to the same effect.² Canadians maintained that the raid could have been prevented by real vigilance on the part of the American government; and in this they were almost certainly correct.³ Criticism grew in intensity with the failure to bring the leaders to trial. The Montreal *Gazette* expressed the extreme view, declaring that Johnson's government "in the aid and encouragement they have given . . . have been accessories to murder before the act."⁴ In the chaos of the breach between president and congress over the reconstruction of the South, the contending parties made great efforts to conciliate the Irish vote; and as the congressional elections of November, 1866, drew near, the relations of the administration with the Fenians dwindled into farce. With contemptuous hostility mingled with apprehension, Canada watched while Washington discontinued what Fenian prosecutions had been undertaken, returned the arms seized at Buffalo, removed the district attorney who had tried to enforce the neutrality laws there, and with almost insolent assurance made representations on behalf of Fenian prisoners convicted in Canada.⁵ Five days before the election the *New York World*, a

¹Seward to Adams, March 28, 1867: *Diplomatic correspondence, 1867* (Washington, 1868) I, 75. Fenian incidents also enabled the United States to induce Britain to abandon the idea of "indefeasible allegiance" and admit the validity of American naturalization. See the convention of 1870 in *British and foreign state papers*, LX, 36-8. There is a general discussion of the American official attitude to Fenianism in C. L. King, *The Fenian movement* (University of Colorado studies, VI, 1909).

²*Diplomatic correspondence, 1866*, I, 135; cf. *Diary of Gideon Welles* (Boston, 1911) II, 520-24, for the administration's procrastination.

³The movement of Fenian companies from Nashville, Louisville and Cincinnati was noticed in the American and Canadian press three days before the raid. *Leader*, May 29, 30, 1866.

⁴Quoted, *Leader*, June 15.

⁵*New York World*, November 2, 1866. This catalogue of works is advanced as a reason why the Fenian vote should go for Johnson, not against him as alleged by the *Tribune*. After Johnson's proclamation, proceedings had been taken against Roberts, Sweeny and some other leaders. Seward's despatch of October 27 is in *Diplomatic correspondence, 1866*, I, 260-61. Canadian sentiment is summed up in the reviews of the year published at the New Year of 1867: *Globe*, January 2, *Montreal Gazette*, January 2, 3.

supporter of the administration, quoted an indignant editorial of the Toronto *Globe* on this last episode as evidence that "the worst enemies of the Fenians are also the fiercest foes of the President" and that the Fenians and their friends should vote accordingly.¹ Congress, and in particular the house of representatives, vied with the executive; the house seems to have been prepared to insult everything British to please the Irish vote.²

Canada at this time was very sensitive to the attitude of the New York press. Attention has been called³ to the large excerpts which Canadian journals reprinted from the London *Times*; the leading New York papers were similarly treated, the more so as before the completion of the Atlantic cable their reports and views were much more rapidly available than those of their English contemporaries. In consequence Canadians became only too well aware that their country was being misrepresented and derided, and its enemies patronized and encouraged, by a large section of the American press. The hatred aroused in the United States by Britain's attitude during the war was vented on her colonies, finding expression particularly in talk of annexation. Canada's condition under British institutions was represented as miserable; society there was so "demoralized" that "unless some marked and speedy cure is devised, the Canadians will not be able to find sufficient land upon which to erect penitentiaries for the safekeeping of their convicts."⁴ American correspondents searched diligently for sections of Canadian opinion that could be represented as annexationist, and hailed them loudly when they found them.⁵ To journals thus disposed the Fenian agitation was not unwelcome, and it received from them indirect editorial encouragement as well as flattering attention in the news columns.⁶ Few voices were raised in the press

¹ *New York World*, November 3, 1866.

² See particularly *House reports*, 39th cong., 1st sess., no. 100,—report by General Banks from committee on foreign affairs, for amendment of neutrality laws. A bill based on this report was passed by the house without a dissenting vote, though there were 63 abstentions (*Congressional Globe*, 39th cong., 1st sess., 4197) and was dropped in the senate (*ibid.*, 39th cong., 2nd sess., 1893).

³ See CANADIAN HISTORICAL REVIEW, June 1929, "Canada's relations with the empire . . ." by F. H. Underhill.

⁴ *New York Herald*, July 8, 1865.

⁵ *Ibid.*, January 1, 1866; *New York Tribune*, July 8, 1865, November 23, 1866.

⁶ Greeley's *Tribune* was one of the worst offenders: see the huge publicity given the movement (e.g., May 16, 1866) and (June 7), its comments, on Johnson's proclamation—which caused a Fenian meeting that night to give three cheers for the *Tribune* as well as for Roberts and Sweeny.

to condemn what was in one aspect a conspiracy against American law. The *New York Times*, one of these exceptions, observed:

In ignoring all the professions of sincerity put forward by these Fenian agitators, the *Times* has stood almost alone. The desire to create sensations out of whatever telegraphic rubbish, or local demonstrations the Fenian funds procured, has been too strong to be resisted by certain journals which regard the swindle precisely as we do.¹

The Toronto *Globe* warned its readers that the Associated Press was systematically puffing the movement.² Through this and other papers the Canadian public learned of the foolishly malicious joy with which some American editors regarded the alarm in Canada.³

Particularly mischievous was the frequency of ridicule of the Canadian defensive organization. At the height of the alarm in March the *Herald* informed its public (including, of course, the Fenians) that "owing to their lack of correct ideas on defence, the administration of Canada has made the militia a farce and a by-word among those who know better." In January, when the Fenians were mouthing threats of further attack to avenge the conviction of the prisoners taken in June, it presented thumbnail sketches of Michel and Macdonald, "the imperial and provisional [? provincial] military heads of the province of Canada", representing them as ridiculous and incompetent.⁴

It would, in fact, be hard to overestimate the influence of the American press in breeding bad feeling at this time. Its irresponsible utterances combined with those of the cheaper brand of American politician to ensure that now, as unhappily at several other junctures in Canadian history, Canadian patriotism became in many minds synonymous with dislike and distrust of the United States. In an outspoken speech on the occasion of a banquet to Macdonald at Kingston on September 6, 1866, McGee certainly expressed the feelings of the average Canadian loyalist:

The shameful and ostentatious patronage given to the repulsed filibusters by Congress, and by men like Mr. Speaker Colfax, the Governor of Illinois, Mr. Banks, Mr. Greeley, and other leading members of the radical republican party, has, no doubt, gone far

¹*New York Times*, April 14, 1866.

²*Globe*, March 13, 1866.

³*Ibid.*, March 19, quoting *Rochester Union and Advertiser* of 15th.

⁴*Herald*, March 6, 1866; January 14, 1867. Cf. *Tribune*, April 26, 1866.

to restore the drooping spirits of the Roberts-Sweeny banditti, who begged their bread and their passage home at Buffalo and Malone in June last. . . . We have this to understand at once, that it suits well the views of a large number of the active public men of the United States at present, to encourage these people, to worry us, as they hope, into annexation. (Hear, hear.) That is at the bottom of it all. They keep a bull-dog, and they like to show him and make him snarl, as much as to say, "how we could tear you to pieces, if we only let this ugly customer loose at you". (Laughter.) If they think by such a policy of menace and irritation to make any other impression than an unfavourable one, on the people of Canada, they are, I will venture to say, extremely mistaken—for, if anything was wanting to make annexation more odious in this country than it is, it would be found in this absurd caricature of republican government.¹

Here again is the Canadian conviction that an important section of American opinion welcomed the continuance of border disturbances as a possible means of hectoring Canada into annexation. So far as such views were actually held (and they certainly had very much less influence upon the attitude of American parties towards the Fenians than had the exigencies of domestic politics) they naturally tended to defeat their own ends.² On April 29, 1870, after more than five years of Fenian threatenings and unhappy relations with the United States, *The Weekly Globe* gave its impression of the Canadian reaction to this train of events:

We have it often thrown in our face by our cousins over the way, that we have no national sentiment, and that so long as we continue in our present Provincial condition we never can have

¹Leader, September 11, 1866. Speeches at a Fenian picnic near Chicago on August 15 had been described by the *Herald* as "a bold stroke for the vote of the Roberts wing of the Fenians" on the part of the radicals. The speakers were Governor Oglesby of Illinois and Schuyler Colfax, speaker of the United States house of representatives. The former told the Fenians, "Johnson is now the friend of the English government, and he and his party have always got your votes." Colfax "regretted that the American army should have been put at police duty along the border. Had this not been done the green flag would now be waving over all of Canada." He concluded by calling for three cheers for "the Irish Parliament" (New York *Herald*, August 16, 1866). McGee's speech indicates that the Canadian government at this time had some confidence in the attitude of Johnson's administration; this must have been shaken later by the events preceding the November elections.

²There is a striking similarity between the situation on the border in 1866 and that described by Durham in 1838. *Report on the affairs of British North America*, ed. Lucas (Oxford, 1912) II, 271.

any. . . . We are jeeringly informed that not half-a-dozen people care sixpence for Canada for its own sake; that neither young nor old have any sentiment of loyal living attachment to the land they live in; that five cents more a bushel for their wheat would make nineteen-twentieths of Canadian farmers Annexationists, or anything one might choose; and five per cent more profit on their merchandize render Canadian traffickers ready not only to become Republicans, but to recognize Louis Napoleon or fall down and worship the authority of the Grand Trunk. Were all this as much the case as it is the reverse, our friends are doing their best to disprove the insinuation. Every effort to starve us by hostile tariffs into whatever terms our neighbours may dictate is giving us more of the feeling of self assertion and independence

And what tariffs of whatever degree of hostility won't do will not be effected by Fenian Congresses and Fenian raids Canadians have gained more in national character during the last six years than in any previous twenty; and, if we ask, what has caused this, we shall find that the outrageous proceedings of the Fenians and their abettors have been among the chief agencies. . . . The longer these alarms continue on our borders the more will this feeling of blended indignation and patriotism be awakened, till Canada's diversified people be, through the fire of outward assault, thoroughly and unmistakeably fused into one.

Such was the atmosphere in which, so far as the Province of Canada at least was concerned, the new Dominion came to birth: an atmosphere dominated by the apprehension of lawless aggression involving loss of life and property, and by the stir of unaccustomed defensive preparation; breeding slowly a bitter dissatisfaction with the attitude of the mother country, and much more rapidly a fierce distrust of that of the United States. Under these conditions Canada felt herself more isolated than ever before. The circumstances were in many respects regrettable, but at least they favoured the rise of Canadian national feeling. The actions of the Fenians, foolish and futile in themselves, came at a most critical moment in the affairs of British America, and ruled the public mind to a surprising degree while the problems of that moment were being solved. This being the case, their effect may deserve more examination than it has sometimes received: for the Dominion at its foundation was in some measure the beneficiary —little as the Fenians would have cared to believe it—of these assiduous but inept practitioners of the arts of revolution.

C. P. STACEY

TORY IMPERIALISM ON THE EVE OF THE DECLARATION OF INDEPENDENCE

I

TO whitewash supposed villains and to push accepted idols from their pedestals is a prevailing tendency in recent historical writing. Among the earliest scapegoats to benefit from this re-assessment of historical values were the American Tories.¹ Thirty years ago Moses Coit Tyler taught that it was an error to think of them as lacking in patriotism, or as a party of negation and obstruction opposed to reform and to the rights of the colonies.² Yet the impression still remains that the policy of the Tories as imperialists was one of futility,³ an impression which was, perhaps, the logical consequence of the American Revolutionary War. While, however, admitting the final bankruptcy of their imperial beliefs, we may still recognize the soundness of their legal and constitutional theories.

Looking at the empire as a unit, the Tories saw also the supremacy of parliament. Their opponents claimed to see a parliament subordinate not only to the common law of England but also to the law of nature. In spite of the logic of facts which might be seen in English constitutional developments from at least as far back as the early fifteenth century, the Whigs stood out for the medieval doctrine of the supremacy of law. This acceptance by the Whigs of the doctrine of the supremacy of law above parliament, especially of natural law, is the more startling when we look at the legal authorities which they studied. Coke, Prynne, and Blackstone all spoke of the transcendent power of

¹I have used "Tories" rather than "Loyalists" as indicating more exactly their peculiar interpretation of the imperial organization. John Dickinson and W. S. Johnson were Loyalists and their attitude up to 1774 did not differ markedly from that of Galloway. The definition given in Frank Moore, *Diary of the American Revolution*, I, 19, described a Tory as "a thing, whose head is in England, and its body in America, and it ought to be stretched."

²M. C. Tyler, *Literary history of the American Revolution* (New York, 1897), I, 313-314.

³Professor Van Tyne (*The Loyalists in the American Revolution*, New York, 1902, 87) believed that the policy of the Tories, if they had one, was negative. To Tyler the Tory position was defensible but he thought of the Tories as having only an antiquarian interest (*American historical review*, I, 26).

parliament, although they exhibited great reverence for the law. Even the medieval justices recognized the power of statutes over the common law, and many of them said little or nothing of natural law. The Tories, in contrast with the Whigs, were content to look backward as well as forward to the supremacy of a law which parliament had made. Their views, more realistic than those of their opponents, were also more concrete. Consequently their writings have less of theory about the future of empire. That kind of speculation, when it did appear in their works, revolved largely around the crises of 1774 and 1775.

In America, just as in England, the early attacks of Otis and his fellows on English colonial policy were the signal for numerous defenders to speak on behalf of the motherland. Also, as in the case of the English defense, the American Tories were at first inclined to deny radical claims entirely. Later, when the crisis grew sharper, apologists for English policy were less dogmatic. A tone of conciliation crept into their pamphlets. When the break was imminent, they put forward, like their English *confrères*, plans of imperial union more advanced than the first American critics had demanded—plans too late for use, but early enough to warrant some consideration of the Tories as imperial thinkers.

The first Tory writer to defend British colonial policy was the capable Martin Howard—“*Martinus Scriblerus*”, Otis called him. Speaking as an imperialist, he had no doubt that this was the best of all possible worlds. George was on his throne and all was right with the empire. The colonists, he argued, had no rights other than those limited ones granted by their charters. Although personal rights—life, liberty, and property—were secured by the common law, political rights—control over government and taxation—were limited. There should be a supreme head in politics. The parliament of England supplied that necessity, and consequently it had the power both to levy internal taxes and to regulate external trade. This was not tyranny, for Americans were virtually represented in this supreme parliament.¹ Americans soon discovered that Howard's argument was open to criticism. How was one to distinguish between political and personal rights, they asked. What was the line of demarcation? If property was a matter of personal right, what protection was forthcoming in case of taxation which involved a political

¹Martin Howard, *A letter from a gentleman at Halifax* (Newport, 1765). A. B. Hart, *American history told by contemporaries*, II, 394-397, contains the pertinent portions.

right? Virtual representation, that stock argument of imperialistic Tories both in England and America, was soon to receive its Parthian rebuttal at the hand of Daniel Dulany.

The stamp act, coming soon after this preliminary skirmish, furnished occasion for defense as well as for attack, but the Tories were loath to define their position. John Hughes, a tax-collector of Philadelphia, who was forced to resign his post, complained of the patriotic outbursts. Those in the colonies, he said, which write about the unconstitutionality of the stamp act move to independency. Such a tendency is foolish for "if you are an Englishman you must be bound by acts of parliament."¹

Of a more admirable character was the Toryism of William Franklin. Although only slightly interested in rights, his memorandum to the British government in 1766 on the advantages of an Illinois colony was altogether an able imperial paper.² After pointing out the various benefits which would result, Franklin drew up the outline of a constitution. Let the crown, he recommended, first secure good title to this land by purchasing it from the Indians, who would then not be hostile to the project. The land having been obtained, there should be a civil government agreeable to "the Principles of the English Constitution." In order to encourage colonization, grant to the English and American soldiers of the late war, tracts of land, varying from 100 acres for a private soldier to 1,200 for a colonel and 5,000 for a major-general. This land should be formally laid out in townships. All profits from mines and mineral resources might accrue to the settlers. Until the colony was on its feet, the crown should bear the expenses of the government. That the settlers might have a better start they were to be partly furnished with tools. The

¹John Almon, *A collection of interesting, authentic papers relative to the dispute between Great Britain and America, 1764-1775* (London, 1777), 45ff. Cadwalader Colden believed much the same: *Colden letter books*, II (1765-1775), 99 (Colden to Conway, February 21, 1766, in *Collections of the New York historical society*, 1877, X).

²*The papers of Sir William Johnson* (Albany, 1927), V, 320ff., gives the memorandum in full, along with Johnson's letter to the British government. It was drawn up about July 10, 1766. Certain elements in the schemes of the nineteenth century for directed colonization were very similar. For Franklin's view of the controversy on the eve of the Declaration of Independence, see his address to the members of the council and assembly of New Jersey on June 27, 1776: "Permit me . . . to recommend it to you to defend your Constitution in all its branches . . . avoid, above all things, the traps of independency and republicanism. . . . Depend upon it, you can never place yourselves in a happier situation than in your ancient constitutional dependency on Great Britain" (Force, *American archives*, ser. 4, VI, 1089-1100).

established church was to receive 500 acres in every township, but practical tolerance should be the rule. Finally, Franklin insisted, the first governor should be skilled in the management of the Indians.¹

While Franklin obviously was looking only at a small sector of the empire, he indicated a certain interest in the whole imperial problem. Yet he had little to say about the government of the colony beyond the fact that it must conform to the British constitution. Immigration was to be officially encouraged, and the Anglican church was to be favoured. Both these ideas were later employed in Canada without success. On the other hand, Franklin presented a working basis, and, while the logic of events would have compelled practical changes, there is no reason to suppose that this constitution was any more Procrustean than the majority of constitutions.

In 1767, the first formal *credo* of Tory imperialism was published by one who, as time went on, took a stand hardly differing from that of the moderate patriots. Its author, Thomas Bradbury Chandler, was the Anglican rector at Elizabethtown, New Jersey, and a missionary from the Society for the Propagation of the Gospel in Foreign Parts. Although primarily concerned at this time with the issue of the episcopate, Chandler expressed the belief that, "so long as the free Principles of the *British Constitution* shall be extended to the Colonies, whose Inhabitants, however divided in other Respects, all agree in maintaining the same Esteem for Liberty with true *Englishmen* at Home, there will be no Danger of their attempting to revolt."² Although Chandler spoke of "His Majesty's American Dominions", he believed that any exercise of power over the colonies was limited:

The Principles of Liberty, Justice and Benevolence are the main Pillars . . . of the *British Constitution*. It is the Glory of British Subjects, that . . . their Liberties are secured by Laws that have been made by, and cannot be suspended or repealed without the Consent of, those whom they have chosen to represent them.³

¹Sir William Johnson would in all probability have become the governor had the colony been established.

²*An appeal to the public in behalf of the Church of England in America* (London, 1769, 2nd ed.), 38n. The occasion of writing this was the Bishop of Llandaff's sermon pleading for an Anglican episcopate in America. See A. L. Cross, *The Anglican episcopate in the American colonies*, and C. H. Van Tyne, *England and America, rivals in the American Revolution* (New York, 1927), chapter 3.

³*An appeal to the public*, 69.

The chief answer to Chandler came from the aggressive Boston pastor, Charles Chauncy. While the main issue was the episcopate, there were animadversions on the empire.¹ To these Chandler replied at considerable length and with no little dependence on the sources of American ideas of law and liberty, holding that in a new country English colonists had as much right—subject to the necessary restrictions—to the blessings of the English constitution as the people of England proper.² The controversy, to be sure, was not of surpassing importance, but it did indicate germs of discontent other than taxation. Chandler appeared in the favourable light of a man who was both loyal and reasonable. His scattered *dicta* formed an adequate introduction to his later and more elaborate imperial treatise. Of more general importance is the prevision one may get of the allegiance of the various religious denominations during the struggle.³

For the next half-dozen years, the Tories were content to let their opponents do the writing. Certain officials attempted to hold high the banner of St. George but most of the converting seems to have been accomplished by the Whig pamphleteers. In Maryland alone was there a notable addition to the Tories in the person of Daniel Dulany, who, in earlier years, had contributed so much ammunition to the colonial arsenal.⁴ His *Considerations* had been quoted everywhere in the colonies as conclusive proof both against the pretensions of parliament to tax and the theory of virtual representation. While his defection was no small loss to the patriotic party, as a Tory he contributed little. His acrimonious correspondence with Charles Carroll in 1773 in defense of an executive tax was marked by legal knowledge but by no approach to an imperial theory.

¹*An appeal to the public answered* (Boston, 1768), 204, 110.

²*The appeal defended or the proposed American episcopate vindicated* (New York, 1769), 245-246, 266.

³See Edward F. Humphrey, *Nationalism and religion in America* (Boston, 1924); Alice M. Baldwin, *The New England clergy and the American Revolution* (Duke University Press, 1928); and Van Tyne, "The influence of the clergy, and of religious and sectarian forces, on the American Revolution" (*American historical review*, XIX, 44-64). The Anglicans and Methodists were frequently Tory; the Baptists, Roman Catholics, Congregationalists, and Presbyterians were generally Whigs. John Beach of Newtown was one notable Congregational minister to remain loyal and most of his flock followed him in his allegiance (E. B. O'Callaghan, *The documentary history of the state of New York*, Albany, 1849-51, III, 1053).

⁴Elihu Riley, *The correspondence of First Citizen and Antilon* (Baltimore, 1902). (Dulany was *Antilon*, which is Spanish for astringent plaster.) However, in May, 1774, Dulany still opposed parliamentary taxation (Force, *American archives*, ser. 4, I, 354-355: Dulany to Arthur Lee).

Meanwhile Hutchinson was bringing his learning to the defense of parliamentary taxation, thus earning for himself the title of "master-spirit of the Tory party." To him colonial claims to self-taxation and home rule threatened the integrity of the empire.¹ In every body politic there should be a supreme legislature, and here it was parliament, in which the colonists were virtually represented. In addition, they had a constitutional means of redressing grievances through petitions and memorials to the king and parliament.² Later in March, 1775, he developed the same theory. From the nature of government a supreme legislature had to exist.³ Even Magna Carta was under it, for "when the word *Power* relates to the Supreme Authority of Government it must be understood *absolute* and *unlimited*." But, he asked, do refinements of reasoning count in the issue at stake?

In the following year, the patriots took over enough of Hutchinson's reasoning to scrap mere refinements and declared their independence, but before that they had attempted, through the continental congress, to arrive at a working basis of discussion with the mother country. The meeting of the congress was the occasion not only of a patriotic declaration of rights but also of the enunciation of imperial theories by the Tories.

II

Within the congress itself all was not unanimity. John Adams urged practical independence; Sullivan attempted to express the will of the congress in terms of home rule; and Duane and Galloway struggled to prevent extreme measures. Duane, held by many to be of lukewarm patriotism, became suspect as a Tory. Although he did oppose the extreme policy of the continental congress, he approved the Declaration of 1776. If Duane excited suspicion as a "trimmer", Galloway inspired hatred as the arch-Tory. He derided the patriots wth:

Down at night a bricklayer or carpenter lies,
Next sun a Lycurgus, a Solon doth rise.

¹*The speeches of Governor T. Hutchinson to the general assembly* (Boston, 1773) 7ff.; Richard Frothingham, *Life and times of Joseph Warren* (Boston, 1865), 110; and *Diary and letters of Thomas Hutchinson* (London, 1883), I.

²*Speeches of Hutchinson*, 12.

³*Ibid.*, 117-118. Hutchinson, however, did advocate the founding of several unions of the colonies with separate governments for each group. He favoured small unions rather than one large one, as making for less independence.

But more, he suggested a plan sufficiently reasonable to cause fear among the radicals lest the undecided be weaned away from revolution. It may be said without exaggeration that this plan—"almost a perfect plan", according to Edward Rutledge—was the most constructive and complete project put forward in America. No Whig, though he might throw off incidental suggestions of imperial organization, put forward anything equal to it.

Feeling that the measures of the continental congress would be deemed unconstitutional, Galloway formulated a basis of reconciliation.¹ Everywhere "he saw the advocates of America deducing their rights from the *laws of God and Nature, the common rights of mankind, and the American charters.*" Thus he was led to the conclusion that neither Englishmen nor Americans "had looked into the fundamental laws of the British constitution, where only the *rights of that [British] authority, and the privileges of the subject*, are defined and ascertained." This deficiency he proposed to remedy by examining the British constitution and the writers on government. Locke, whose opinion was quoted because it had often been relied on by the colonists, held that "the first fundamental positive law" was the establishment of the legislative power which must be supreme.² By the constitution it was evident that sovereignty was located in the king, lords, and commons. The colonists could not owe allegiance only to the king since he is but a part of the legislature. Locke had maintained that the legislature was supreme over the king who was thus under statute law as well as under the fundamental law. Consequently, if the colonists acknowledged the king as king of Great Britain, they submitted to British laws. All that the king could do was to give the colonies control over their internal policy. The land in America was, by discovery or by conquest, the property of the state on behalf of which the British government acted. But Galloway did not stop there. He looked critically at the *ne plus ultra* of American appeal. The laws of nature, he reminded his readers, are founded on reason and justice "which require a rigid performance of every lawful contract."³ The natural rights connected with property were com-

¹See his letter to William Franklin (Burnett, *Letters of members of the continental congress*, I, 6).

²*A candid examination of the mutual claims of Great Britain and the colonies* (New York, 1775), 10-11.

³*Ibid.*, 29.

plemented by duties. The colonists, in admitting that they have the rights, should logically accept the duties of subjects.

In reviewing the controversy Galloway found that, although for ten years past much had been said of colonial rights and injuries, there had been, up to 1765, no questioning of parliamentary authority. Yet despite the fact that nowhere in nature, the constitution, or the charters was there any ground for repudiating that authority, it was certain that America had rights as firmly established as those of parliament. These rights emanated from the constitution. Among them were representation and a share in the supreme authority. If Americans had lost the enjoyment of representation the right still remained to them. Since that had not been forfeited, justice as well as policy required its restoration. "The subjects of a free state ought . . . to enjoy the same fundamental rights and privileges" wherever they might live.¹

To secure these rights and privileges, Galloway contended that each colony should "regulate its own internal police within its particular circle of territory"; but thus far and no farther could its authority extend.² There were, however, difficulties in this solution. The claim of the colonies to control their own taxation and internal polity meant legislative independence, since all legislation in the long run touched internal affairs.³ Nevertheless Galloway was firmly convinced that it was to the great advantage of the mother country to be united with her colonies, and he believed also "that the Colonies most ardently desire the establishment of a Political Union, not only among themselves, but with the Mother State. . . ."⁴ So this merchant of Philadelphia, who prided himself on not differing from the continental congress on the question of American grievances but only on the method of obtaining redress, offered his constructive suggestions. *A plan of a proposed union between Great Britain and the colonies* was submitted to bring about this *summum bonum*. It is not without interest in the light of nineteenth-century history.

By this *Plan* it was proposed that, "a British and American legislature, for regulating the administration of the general affairs, be established in America . . . ; within and under which govern-

¹*Ibid.*, 43, 48, 51, 52.

²*Ibid.*, 54.

³*Ibid.*, 36.

⁴*Ibid.*, 54, 60, 65.

ment, each Colony shall retain its present constitution, and powers of regulating and governing its own internal police, in all cases whatever."¹ The government was to consist of a president-general appointed by the king, and a grand council chosen triennially by the colonial assemblies. The council should meet annually or oftener under the direct leadership of a speaker selected from, and by, its members. The office of the president-general was to be held at the king's pleasure. All legislative powers necessary for carrying on colonial business might be exercised by the council, but its acts would not be valid without the king's consent.

In relation to the British parliament, the president-general and council would form an inferior but distinct branch of the legislature. Regulations might originate either in England or in America, but the consent of both legislatures would be necessary to make a general act. In times of crisis ordinary procedure might be suspended, and council bills could become laws without the usual assent of parliament. Thus, by this plan, no act could bind the Americans without their consent, given by their representatives. Taxes, currency, and inter-colonial disputes would be settled in the council.² Affairs of the whole empire were to be handled, as of yore, by parliament. Local problems fell to the attention of the provincial assemblies. Under these circumstances Galloway believed that the colonists would be as well off as the inhabitants of Durham and Wales.³

Meanwhile Tory outsiders looked at the continental congress and found it a menace.⁴ Most of these Tories were centred in the middle colonies, especially around New York. Of them none was more upset by colonial misbehaviour than Samuel Seabury, Anglican bishop of Connecticut. In a series of pamphlets, unsurpassed in wit and eloquence, published in rapid succession toward the end of 1774, he succeeded in denouncing the congress, in evolving an imperial theory, and, incidentally, in launching

¹*A plan of a proposed union*, 65-66, 67. The *Plan* is appended to the *Candid examination*, 65ff. It is also in Burnett, *Letters of members of [the continental congress*, 54ff. The plan was lost, six colonies to five; among those who supported it were Duane, Jay, and the Rutledges. Cf. John Adams's notes of Galloway's speech in the continental congress, *Works*, II, 389-390.

²*A plan of a proposed union*, 68-69.

³*Ibid.*, 71-72.

⁴James Rivington printed in 1775 twenty-eight pamphlets for Tories. See Charles Hildeburn, *Sketches of printers and printing in colonial New York* (New York, 1895).

the meteoric career of the seventeen-year-old school-boy, Alexander Hamilton.

A view of the controversy contained the ablest statement of Seabury's imperialism. Assuming at the outset that the king, lords, and commons made up "the supreme, sovereign authority of the whole British Empire", he felt it "an impropriety of speech to talk of an independent colony."¹ As parts of an empire, the colonies were subject to the empire's laws. Control of legislation was no inherent right of the colonies, and if the assemblies were independent of parliament, nothing but anarchy loomed upon the horizon.² And to the Tory of 1775, as to the *bourgeois* of the middle ages, anarchy was a greater evil than despotism.

Like Galloway, however, Seabury was no advocate of royal absolutism, and he quickly saw the weakness of the colonial argument that the colonies were united with England only through the king. To allow the authority of the king and not that of parliament was inconsistent.³ Moreover, he said, if the colonists obey the laws of the king they also obey those of parliament. George III was king of America by virtue of being king of England, and he was king of England by act of parliament.⁴ As for parliament, if it had not the right to tax it could not support itself. The colonists should also remember that none of their assemblies was able to extend its power beyond the bounds of its own colony:

Everything that relates to the internal policy and government of the province which they represent comes properly before them, whether they be matters of law or revenue. But all laws relative to the empire in general, or to all the colonies conjunctively, or which regulate the trade of any particular colony . . . must be left to the parliament.⁵

An *imperium in imperio* was to Seabury as to Pownall a contra-

¹*A view of the controversy between Great Britain and her colonies including a mode of determining their present disputes*, 6, 9.

²*Ibid.*, 9, 10.

³*Ibid.*, 10-11.

⁴It seems here that Seabury saw a real constitutional point, namely, that the sovereign of England was the *king in parliament*. Ironically enough the act which had legally invested the Hanoverian line was one of the chief resorts of appeal on the part of the colonists in defense of their constitutional rights.

⁵*A view of the controversy*, 14, 16-17. Seabury was shrewd enough to see that taxation and legislation must go together else government will fail (*The congress canvassed or an examination into the conduct of the delegates at their grand convention*, 18).

dition, but he conceded that the assemblies were the legal guardians of colonial rights, and were able to petition for the redress of grievances. Expediency demanded the recognition of mutual rights and duties, as between parliament and the provincial assemblies. The colonies had matured and wanted a constitutional line drawn:

I imagine that if all internal taxation be vested in our own legislature, and the right of regulating trade by duties, bounties, etc., be left in the power of Parliament; and also the right of enacting all general laws for the good of all the colonies, that we shall have all the security for our rights, liberties and property, which human policy can give us.¹

Britain and her colonies would then be united into "one Grand, Firm, and Compact Body." Was this Seabury? "One Grand, Firm, and Compact Body" sounds very like Pownall's "one grand marine dominion." To argue that the internal affairs of each colony should be handled by its own assembly was to agree with Whigs like Bland and Dickinson. The provincial congress of New York had not gone so far in June, 1775.² To be sure, Seabury, like most of his fellow Tories, said little about rights, but practical politics led him directly to many of the same conclusions as those reached by dealers in the rights of nature and of Englishmen.

To this imperial theory Seabury contributed but little in his other pamphlets. *Free thoughts* was largely concerned with the trading agreements entered into by the congress. These he considered inexpedient and expensive. Congress was proving extremely tyrannical, and he doubted if the colonists could expect the justice from it which they already enjoyed.³ For his part, his home was his castle to the king's officer and the congressional committee-man alike. He concluded with an exhortation to the Americans to depend for redress on constitutional means.

About the same time, Seabury addressed the merchants of New York in *The congress canvased*. Here some imperial suggestions were mingled with satirical observations, such as that God "made Boston for himself, all the rest of the world for Boston"; that its "saints shall inherit the earth"; and that at the continental congress the colonial liberties were put on so

¹*A view of the controversy*, 19.

²*Journals of the provincial congress*, I, 52. The congress limited to the colonial legislature the power over taxation.

³*Free thoughts on the proceedings of the continental congress*, 3, 19-21.

firm a basis "that neither Lord North nor Old Time himself, should ever make any impression on them."¹ Nevertheless, Seabury felt very keenly that the actions of congress were unconstitutional and tyrannical.² The Suffolk Resolves on the pretext of defending liberty had contravened parliamentary authority. Congress approved those instead of defining parliamentary, as opposed to colonial, rights. It had no right to bind Americans since, by so doing, it had committed the very sin charged against parliament. There was really no adequate representation in congress of the whole body of colonists. He went on to denounce the extension of the boycott to the so-called foes of the rights of British America as a contravention of personal liberties, arguing that a person has control over his own goods.³ Every person should obey the laws of the government under which he lives, but he also has a right to do what those laws permit. The struggle for liberty could only be carried on consistently within the law, remedies being obtained in a legal, constitutional way.⁴ It must be admitted that expediency demands the existence of a supreme power. Since the legislative authority of any colony could not extend farther than the colony, "the only alternative is parliamentary supremacy."⁵ Seabury's reasoning, therefore, led him to the conclusion of the majority of historians and constitutional lawyers who have examined the problem. Yet *magna est veritas et prevalebit* is but a sorry consolation for an exile, especially when pardon comes posthumously.

Contemporaneously with the writings of Seabury came a defense of British colonial policy from the head of King's College. Myles Cooper presented arguments similar to those of Seabury, but without his brilliance. The attitude was reasonable, the suggestions were those of common sense and expediency rather than of constitutionalism.⁶ That Americans could not hope to succeed, that their loads had not been heavy, and that the colonists were the happiest people in the world was the burden of Cooper's

¹*The congress canvassed*, 8.

²*Ibid.*, 5, 9-11, 17.

³*Ibid.*, 10, 21.

⁴*Ibid.*, 14-15, 20, 22.

⁵*Ibid.*, 11, 25-26.

⁶*A friendly address to all reasonable Americans on the subject of our political confusions* (1774, n.p.). Patriots, however, did not find it reasonable. Philip Livingston in *The other side of the question* found it full of asperity and vilification, as did the "mad Englishman", General Charles Lee in *Strictures on a pamphlet entitled a "Friendly address to all reasonable Americans."*

tract. As to the issue at hand, he began by arguing for non-resistance. Whether parliament was right or wrong, colonial conduct had been intolerable, for, after all, most of the colonists were "but indifferent judges of the rights of parliament."¹ If, he said, it were allowed that parliament could tax a penny, it did not therefore follow that parliament could strip the colonists of their property. "A right to do what is reasonable, implies not a right to do what is unreasonable." On the other hand, though Americans claimed the rights of Englishmen, exemption from the authority of parliament had never been one of those rights.²

Perhaps in all the talk about rights, Cooper continued, it might be well to remember that the government also has rights. These rights have been grossly invaded. If the colonists were more moderate in their view of parliamentary rights, parliament too might be more moderate.³ The stamp act and the Townshend acts, so contrary to American ideas of right, were repealed because the colonial opposition was essentially reasonable. If the charters be taken as a foundation of colonial claims, said Cooper, it can soon be discovered that they contain nothing more than a subordinate right of jurisdiction. No one could suppose that these charters were designed to establish a "sovereign, independent, and uncontrollable" authority, nor could there be found in them an express denial of parliamentary power.⁴

To sum up Cooper's imperialism is no slight task, for he may easily be given more credit than he deserves. With Seabury and Galloway he deplored the republican spirit which he saw in the colonies. It was not charity which impelled him to point out that the first settlers had such an aversion to the regal part of the constitution that, in their Bibles, they substituted "civil magistrate" for "king." On the other hand, he felt that the colonists were justified in their remonstrance against unjust laws. Probably Cooper should be placed with the moderate home rulers who leaned toward practical concession of colonial autonomy, but away from a discussion of general principles.

In 1775, Chandler again took up the cudgels. It was not that he was so much in favour of parliamentary overlordship as that the claims of the Americans antagonized him. Rights interested

¹*A friendly address*, 5, 7.

²*Ibid.*, 9, 11.

³*Ibid.*, 17, 20-21, 53-55.

⁴*Ibid.*, 12-13. Cooper added nothing to this in his *American querist* (New York, 1774).

him more than they did most of his Episcopalian colleagues, with the consequence that he seemed to go farther than they in his allowance of home rule. Chandler felt that the colonists, as long as they did not have a share in making the laws that bound them, did not enjoy all the rights of Englishmen. He did not believe, however, that the Americans could legally exempt themselves from parliamentary control. Parliament itself ought to devise "some generous and equitable plan" whereby the colonists should be rid of taxation from overseas. Like Seabury, Chandler argued that the members of the continental congress had no legal power to bind anyone but themselves, since congress had not a fair basis of representation.¹ Relief from parliamentary taxation should be obtained by constitutional means, namely, by petitioning for the redress of grievances. Nevertheless, it might be asked: "What right have the Americans to plead the privilege of Englishmen . . . if they are not in full subjection to the authority of Great Britain?"² Some colonies, it is true, gave lawful instructions to their representatives, but others went beyond the question of redress of grievances. Proof that the colonies were not subject to parliament should come, not by metaphysical arguments, but by showing that home rule was positively granted to them in a law.³ Some English statesmen were by no means totally hostile to American claims. Conway, formerly secretary for the colonies, and a true "friend to the rights and liberties of America", had encouraged the colonies to petition constitutionally for the redress of grievances.⁴

The action of the continental congress was, Chandler contended, neither legal nor constitutional. It had declared unconstitutional what was provided in the charters.⁵ Moreover, to what law did the congress refer when it said that the keeping of a standing army was "against law?" Colonial and parliamentary statutes could not be meant. The contention that it referred to the common law was not easy to defend, for, if the colonists were not subject to the statutes, they were not subject to the common law.⁶ Finally, military establishment was allowed by

¹*What think ye of congress now? or an inquiry how far the Americans are bound by the continental congress* (New York, 1775), 5-6.

²*Ibid.*, 7.

³*Ibid.*, 8-9, 10-12, 15-16.

⁴*Ibid.*, 20-21.

⁵*Ibid.*, 47-48.

⁶Chandler in discussing the relative status of common and statute law brought up the most important legal point of the controversy. Historically he was correct as an

act of parliament to have been the right of the king, therefore common law could not be invoked against something it had justified.

Chandler concluded with a manifesto that places him more with Galloway than with his two aforementioned Anglican colleagues. He proposed that "the colonists abhor the idea of independence but desire the establishment of a Political Union . . . upon those principles of safety and freedom which are essential in the constitution of all free governments."¹ He feared the activity of congress not as unconstitutional but as tyrannical. In its resolutions he saw a far more destructive threat to American freedom than in the legislation of the British parliament. Neither radical nor reactionary, he perhaps is best classified as a Whig in the true political and intellectual sense. Parliament was supreme but that supremacy would be best exercised when exercised least. His own freedom was to him more precious than government by his representative.

Rather similar views were those of Charles Inglis of Pennsylvania. The pamphlet containing his imperial theory was written in answer to Tom Paine's *Common sense*, against which Inglis discharged more venom than reason.² This personal bias creates none too favourable an impression of the author, but between the tirades a rather liberal imperialism was advanced. He developed the argument of expediency and was, at the same time, willing to admit the discussion of rights. Making Paine's conclusions his starting point, he found that *Common sense*, whose author Hobbes would blush to own as a disciple, was "utterly averse and unfriendly to the English constitution." While he frankly announced his own opposition to independence, Inglis hoped to see the liberties, property, and trade of the colonists settled on a firm constitutional basis.³ Imperfect the constitu-

examination of the *Year books* from Edward I will show. See especially *Year books* 3rd and 4th Edward II, 162, Selden Society edition, and generally T. F. T. Plucknett, *The interpretation of statutes in the fourteenth century* (Cambridge, 1922). But compare C. H. McIlwain, in *Magna Carta commemoration essays* (London, 1917). The patriots in America, on the other hand, took the stand that the common law was above statutes. Arguing from this premise they held that such privileges as self-taxation and home rule were the inherent rights of Englishmen.

¹What think ye of congress now?, 73.

²The true interest of America impartially stated (Philadelphia, 1776). He spoke of Paine acting like "a rash, froward stripling, who should call his mother a d——d b——, swear he had no relation to her, and attempt to knock her down."

³Ibid., 34-35.

tion might be, but it was not to be lightly attacked. It was the glory of that constitution that it had a balance of monarchy, aristocracy, and democracy.¹ Under this "assemblage of laws, customs, and institutions which form the general system" the colonists had all the rights of Englishmen. By these rights they should have freedom, not only in the matter of taxation, but also in the regulation of trade so far as it was "consistent with the welfare of the state."²

After the sober dissertations of Anglican rectors there is relief, if not profit, in glancing at a composition from New England. Although the law gained an unsurpassed advocate, literature lost no inconsiderable wit when Jonathan Sewall chose the more prosaic vocation. As a young man he had inclined toward the patriotic side, but, after 1765, he was ranked with the defenders of parliament. His contribution to Tory apologetics was *A cure for spleen*, "amusement for a winter's evening; being the substance of a conversation on the times, over a friendly tankard and pipe."³ The dialogue was taken in shorthand by Sir Roger de Coverly. The *dramatis personae* were a parson, a justice, an innkeeper, a deacon, a barber, a quaker, and a late representative.

The barber, Trim, started the topic of the evening by begging that the doctrine of everyone's minding his own business be not put into practice else he would go out of business. When the shop was full and he was in danger of losing some of his trade, he could always save the customers by starting an argument on "politicks." Because this interested all, he wanted to know the difference between Whig and Tory and what the grievances were. Justice Bumper, already well in his cups, declared that no man since Coke had expressed more in so few words. The late repre-

¹*Ibid.*, 18, 19. The sources of Inglis's ideas on the constitution were Harrington, Sidney, and Montesquieu.

²*Ibid.*, 19, 41, 62. This continued to be the burden of Inglis's cry. Three years later in his *Letters of Papinian*, he told the colonists that they had "sold the birthright of British subjects" for a mess of independence. Warning them that their congress had acted unconstitutionally, he exhorted the colonists to return to the sheltering arms of mother empire and be forgiven. Unfortunately neither Inglis nor his colleagues were at all specific about the "rights" of which they wrote or about what these rights guaranteed. The patriots themselves were no vaguer. *Letters of Papinian in which the conduct, present state, and prospects of the American congress are examined* (London), 10, 43. Hildeburn (*Sketches of printers and printing in colonial New York*, 83) credits the *Letters* to Galloway.

³See also "Letters of Jonathan Sewall" (Massachusetts historical society, *Proceedings*, ser. 2, X, 407ff).

sentative, Puff, the Tony Lumpkin of the piece, for his part could not understand why Trim was so ignorant of the tyranny of North, and what "Lord Chatham and Mr. Pitt" have said about the colonists' birthright as Englishmen. Deacon Graveairs agreed with Puff that the colonists had been enslaved.

Parson Sharpe, the hero, maintained that they had not been oppressed and that their rights had not been torn from them.¹ After Fillpot, the innkeeper, had reported concerning a Boston minister and his friend who, while lodging at the inn, made out that parliament had no right to control America and that the colonies ought to resist, Friend Brim requested Sharpe to enlighten Graveairs, Puff, and Fillpot on the nature of present discontents. This, Sharpe proceeded to do with suspicious efficiency. He began with the distinction, which he dismissed as ridiculous, made by the advocates of colonial rights, between taxation and legislation. As for the independency principles built upon the charters, they were wholly imaginary. Parliamentary authority had always been exercised and declaratory acts, beginning in 1650, had defined it.² Fillpot returned thanks for these facts about which the Boston minister had been discreetly silent. He had claimed that George III was the first to pass a declaratory act. Furthermore, the minister had prophesied that Americans would have to turn papists in order not to lose their property. Bumper roused himself from meady somnolence to announce that the patriot leaders aimed at independency, and to refer to a pious deacon who, "warmed with the steams of *modern patriotism*", would not loan his bull to Tory neighbours. Then the party broke up, entirely convinced, we are to suppose, of the iniquity of the colonists and the charity of parliament.

It is not without significance that this American Aristophanes, who started down the patriotic road, should prove the most dogmatic of Tories. Where Galloway framed an imperial constitution, where Anglican clergy conceded home rule, this apostate, good lawyer that he was, saw no solution but absolute parliamentary supremacy. Yet Sewall deserves gratitude: his was the most, if not the only, amusing piece in a fanatically humourless controversy.

More profound and conciliatory was the author of the *Massachusetts letters*, long credited to Sewall but written by Daniel

¹*A cure for spleen* (1775), 14.

²*Ibid.*, 19-21.

Leonard. Although important in themselves, they deserve hardly less attention as the inspiration for John Adams's definition of his imperial theory in his *Novanglus letters*. Leonard, first of all, was much concerned with the dire consequences that would follow revolt. Then he became retrospective: "At first we did not dream of denying the authority of parliament to tax us, much less to legislate for us", considering ourselves "part of the British Empire, and the parliament as the supreme legislature of the whole." Acts regulating the internal affairs of the colonies were common, but when the stamp act came the colonists were united in opposition. The Virginia Resolves of 1765 excited wonder: "They savoured of independence; they flattered the human passions; the reasoning was specious, we wished it conclusive. The transition to believing it so was easy, and we, almost all America, followed their example in resolving that parliament had no such right."¹ Yet Governor Hutchinson, continued Leonard, had shown by arguments from the principles of government, the charters, and precedents, that colonial claims were inconsistent with what was due to Great Britain.

Leonard conceived the relation of Great Britain to the colonies to be that of a "nursing mother"; but he did not add that the colonies, if not the mother country, were anxious for weaning.² The colonies were a part of the British empire by right of possession. In that case, "we must be subject to the supreme power of the state", which was vested in parliament. Two sovereign authorities could not exist in the same state. Notwithstanding the fact that all the colonies had legislative and executive powers of their own, "delegated or granted to them for the purpose of regulating [their] own internal police", it was constitutionally true that these powers were subordinate, being necessarily subject "to the checks, controul and regulation of the supreme authority." While the charters did not grant rights of self-taxation to the provincial assemblies, it was nevertheless true that the assemblies were well adapted to administering the internal polity of the colonies.³ Since local legislatures could take care of local affairs and parliament was supreme over the empire, no reform of the existing relationship was necessary. American representation in parliament had been suggested, but,

¹*Massachusettensis: or a series of letters* (London, 1776, 3rd ed.), letter ii.

²*Ibid.*, letter iv.

³*Ibid.*, letter v.

argued Leonard, that is impractical because it could never be fair to all.

Although the existing relationship satisfied him, Leonard realized that Americans were demanding some guarantee of their rights. While he admitted parliamentary claims, he felt, paradoxically, that therein lay an opportunity to answer American contentions.¹ For his part, Leonard would be pleased to see a barrier erected whereby the supremacy of parliament was guaranteed, whilst the Americans were granted "every right and exemption, consistent with their subordination and dependence." This boundary could only be drawn by parliament.² For administrative purposes let there be appointed by the supreme authority or by the provincial legislatures a general congress from the several colonies. Such a concession would prevent war.³

Apparently in New England if one were a Whig one was for complete independence and if one were a Tory one was for complete dependence.⁴ Theology, perhaps, was responsible for this dualism so evident in John and Samuel Adams on the one hand and in Sewall and Leonard on the other. Yet Leonard was scarcely as reactionary as Sewall, and, on the whole, his point of view was not unfair even if he did not love the Whigs.⁵ He looked to some form of imperial organization, almost, it seems, against his will. It is altogether likely that Leonard was not nearly so high a Tory in practical politics as he was in theory. He appreciated order, and order was more easily conceived under parliament than with colonial independence.

In the south, the Tories were rather inarticulate. Jonathan Boucher, in thirteen discourses, upheld parliamentary sovereignty without qualification; and, though he felt the ways of the ministry erroneous, he thought that remedy should come only through petition.⁶ The Reverend Mr. Bullman of Charlestown was

¹*Ibid.*, letters vii, xi.

²*Ibid.*, letter xii.

³*Ibid.*, letters ix, xvi.

⁴See for example Harrison Gray, *The two congresses cut up* (Boston, 1774). To Gray colonial activities were diabolical. But compare the *Letters and diary of John Rowe* (Boston, 1903).

⁵*Massachusettensis: or a series of letters*, letter iv: "A smuggler and a Whig are cousin-germans, the offspring of two sisters, avarice and ambition."

⁶*A view of the causes and consequences of the American Revolution in thirteen discourses, 1763-1775* (London, 1797). Tyler thought this the most comprehensive, able, and authentic presentation of the Tory psychology (*Literary history*, I, 320).

censured by his vestry for bringing politics into the pulpit, the probability being that the word politics in this instance was merely a euphemism for Toryism.¹

The most illustrious southern Tory was John Randolph, the brother of Peyton Randolph. Like his brother, John Randolph believed in the sanctity of the constitution, but where Peyton concluded with practical independence, John ended with legal dependence. He thought that the Virginian and British constitutions were essentially the same, that Magna Carta, "the Palladium of British Liberty", was also the chief pillar of Virginian rights. The right of parliament to tax was based on the seller's right to impose the seller's terms. If parliament was supreme in imperial affairs, as many of the most sanguine opponents of that supremacy in internal policy had admitted, then it was only logical to assume that parliamentary sovereignty extended everywhere.²

As a statement of legal theory Randolph's pamphlet was satisfactory, but as a statement of imperial theory it was less than adequate. It is a matter of some interest to note that almost the only Tories to think in terms of imperial re-organization were those of the middle colonies. The others thought their way straight to dependence and from them no scheme of re-organization emanated. There was, however, no explanation due to environment for the fact, nor did vocational, economic, or intellectual characteristics account for it. The clergy were reasonable in New York but not in Virginia. The business interests were reasonable in Philadelphia but hardly so in Boston. New England Congregationalism may be contrasted with the Anglicanism or Quakerism of the middle colonies, but more than one cause needs to be discovered before we can satisfy ourselves as to the reasons for so complicated a thing as an attitude. In any case the fact remains: the imperial thinkers among the American Tories were midlanders.³

¹Frederick Dalcho, *An historical account of the Protestant Episcopal Church in South Carolina* (Charleston, 1820), 203.

²*Considerations on the present state of Virginia* (1774), 19-27, 34.

³Isaac Wilkin is also to be numbered among the New York Tories. In February, 1775, in the New York assembly he held that parliamentary supremacy was necessary, and desired a close and intimate union without giving concrete suggestions. He was practically a home-ruler although in theory he felt *imperium in imperio* an impossible solution (Force, *American archives*, ser. 4, 1, 1293-1298). For an appreciation of the Loyalist party in New York on the eve of the war consult C. L. Becker, *The history of political parties in the province of New York, 1760-1776* (Madison, 1909), chapter 7.

In addition to the identified Tory speculation on imperial problems there was a considerable number of anonymous suggestions.¹ These contributed little, inasmuch as they consisted mainly of dogmatic statements to the effect that parliament was supreme, that resistance was inexpedient, and that relief should come through constitutional means. Representative of conservatism—as Samuel Adams, Patrick Henry, and Christopher Gadsden represented radicalism—these tracts help not a little to explain the low repute of Toryism.

On the other hand, however, if Whiggism is viewed through the personalities of John Adams, Jefferson, and Wilson, Toryism must be viewed through those of Galloway, Seabury, and Chandler. Both groups thought in terms of empire, but the attackers won and have naturally reaped the rewards of success. Nevertheless, as legalists and political theorists if not as practical politicians, the Tories were frequently more shrewd than their opponents. The revolutionists wrote cheques on a bank of jurisprudence that had only paper money. The law of nature, "jurisprudence in the air", could mean anything. The Tories, more concrete, were also more limited. They have paid the penalty of neglect for being the losers, but to the historian interested in ideas they are not the less important.

CHARLES F. MULLETT

¹Force, *American archives*, ser. 4, I, 821ff., 886ff., 1183ff., 1194, 1258-59; II, 43-46, 100-106, 286-289, 324-329; IV, 188ff., 802ff., 1036-1038, 1157-1160; See also C. H. Van Tyne, *The Loyalists in the American Revolution*, appendix A, for the Tory declaration of independence which condemned congress instead of George III, and concluded with an insistence on the necessity of retaining the connection with Great Britain. It was published in Rivington's *Gazette*, November 17, 1781.

NOTES AND DOCUMENTS

CONFERENCE OF ANGLO-AMERICAN HISTORIANS

THE third quinquennial conference of Anglo-American historians which met in London from July 13 to 18 was a most successful gathering. There was a fairly large representation of American and Canadian colleges and societies and many representatives from the United States were also Canadians, such as Professors Shotwell and Robinson and Miss Vera Lee Brown of Smith College.

The conference was addressed on the first day by the prime minister of Great Britain who took as his subject the relations of the politician and the historian. The politicians he described as the pioneers or road-makers over territory not previously surveyed. Once the road was open and the facts settled, the historian came along in a *char-à-banc* to tell the world about the road. Every historian, however, must judge a politican by the light of the time in which he lived, and for this purpose must needs be familiar with the various aspects of that period. British colonial policy in North America in the seventeenth and eighteenth centuries had, he observed, not always been treated without bias on account of the whig tendencies of most of the writers on this period. Had, however, a tory written of these same facts probably no one would have believed him.

The various sections held their meetings on Tuesday and Thursday mornings. In the section devoted to British colonial history, Miss E. G. R. Taylor illustrated her paper on "Empire building in the Pacific in the sixteenth century" with slides of rare maps. She has unearthed a great deal of material relating to the projected English voyages both before and after Drake and her paper was a most important contribution to the early history of the British Empire, a term first used by John Dee himself in the latter half of the sixteenth century.

Miss Irene Wright of Seville described the richness of the Spanish sources in Seville the great majority of which are still untouched.

The modern English history section which met at the same hour was widely attended to hear a discussion on "Some aspects of English naval and military history in the eighteenth century" by

Admiral Sir Herbert Richmond, Professors Sir Charles Oman, J. Holland Rose, General Sir Frederick Maurice, Sir Richard Lodge, Major-General Sir George Aston, and others.

The second meeting of the British colonial history section was treated to an excellent paper on "The origins of Canadian nationalism" by Professor McArthur of Queen's University who found that even in the French period of Canadian history nationalism had begun to take root. The discussion on Professor McArthur's paper which will be printed in the *Transactions* of the congress was led by Professor J. L. Morison, formerly of Queen's University, and among those who took part were Professors J. Holland Rose, A. P. Newton, Basil Williams, Waugh, McElroy, New, Robinson, and the secretary of this section, Mr. W. P. Morrell.

At the evening meeting Professor F. W. Pitman of Pomona College read an excellent paper on "Problems of social reconstruction in Jamaica subsequent to emancipation" which was followed by a discussion led by the Rt. Hon. Lord Olivier formerly a governor of Jamaica, Mr. Noel B. Livingston of the board of governors of the Institute of Jamaica, Professor A. P. Newton, and Mr. W. P. Morrell.

Among the social functions which gave the delegates much pleasure were luncheons at the School of Economics and King's College and teas at the Inner and Middle Temple, Lambeth Palace, the House of Parliament, the Royal Historical Society, and other places.

H. P. BIGGAR

CANADIAN POLICY TOWARDS THE ACADIANS IN 1751

MOST students of North American history accept easily enough the idea that the Acadian people were ground between the mill-stones of Anglo-French rivalry in North America, but because Governor Charles Lawrence and the Nova Scotian council were the agents of the expulsion, the crispness of Canadian and French policy towards the Acadians is likely to be ignored or to be blunted in an enveloping generalization. It seems worth while, therefore, to print in full a Canadian ordinance of 1751 which was, in an administrative way, actually harsher than contemporary Nova Scotian policy. It demanded military service of the Acadians who had emigrated to what was claimed as French territory. That was what most of them had managed to avoid, whether for

France or for England, throughout the history of their country. It is interesting to notice that the alternative to taking the oath to France within a week and enrolling for military service was expulsion. The British had spent forty years in trying to get an unqualified oath of allegiance from the Acadians, and in a military way had never expected that they could be induced to do more than diminish the threat of the Indians.

One gets a better perspective, however, if one sees Nova Scotia between 1750 and 1760 as a strategically important bit of territory between the lines of the combatants in London and Paris, and Boston and Quebec, whose inhabitants were the veriest pawns of policy. Halifax was founded in 1749 to stand over against Louisbourg, for strategic considerations, and to assure New England of protection for her fishing industry. The passive immigrants brought in by the Board of Trade were introduced to make Nova Scotia British and to assist in anglicizing the politically inert, Roman Catholic, and resolutely neutral, Acadian population. The really active local agents were the New Englanders, who of their own initiative quickly supplanted large numbers of the Halifax immigrants and almost all of the Acadians. The man who saw their coming and sensed the threat to Catholicism which had made its way from the plans of Governor Shirley of Massachusetts and his agent, Charles Morris, into the official instructions of Governor Cornwallis, the founder of Halifax, was Abbé Jean Louis Le Loutre.¹ The policy was not yet public and never was systematically put into force, but Le Loutre was shrewd enough to deduce implications from events and he strove by persuasion and force to withdraw the Acadians from the threat of slow contagion to security on lands protected by France. The governor of New France was glad to have them, but thought they should defend the frontier which had recently been giving him concern.

It is impossible adequately to examine here the complicated conflict of policy and circumstance which grew up during a century and a half in Acadia and culminated in the expulsion of 1755. The ordinance below should be seen as a natural consequence of the immediate events of 1749 and 1750. The founding of Halifax was followed by a great deal of French and Indian raiding, by the building of a French fort on the River St. John in 1749, by the

¹It seems desirable in considering recent scholarship to balance "The Abbé Le Loutre" by N. McL. Rogers (CANADIAN HISTORICAL REVIEW, XI, 105-128), with the account given by J. C. Webster in his *The forts of Chignecto* (Shediac, 1930), 28-36, 94-5.

French occupation of Beauséjour as the site of a fort in 1750, by the retention of both in spite of British expeditions of protest, and by the building of British forts at Piziquid and across the Missegash River from Beauséjour in 1750. West of the Missegash lay the territories to which the Acadians were called to go and be subjected to unfamiliar military responsibilities, as well as to the task of cutting new homes for themselves from the wilderness. East of the Missegash was the British colony in which those Acadians who did not go were gradually to be caught up in the play of forces which they could not estimate and which destroyed them.

J. BARTLET BREBNER

[*Transcript from the Public Archives of Canada.*]

f. 467 Ordonnance¹

Joint à la lettre de M. de Lajonquière
du 1^{er} May 1751²

Isle Royale
h/que.

LE MARQ^{IS} DE LA JONQUIERE

Les représentations qui nous ont été faites par les accadiens français au sujet des mauvais traitements qu'ils ont reçu des anglais principalement par rapport [sic] à la Religion Catholique, apostolique et Romaine qu'ils professent et leurs vives instances réitérées nous ayant déterminé à les mettre sous la protection du Roy nôtre maître afin qu'ils fussent à l'abry de toute insulte de la part des Anglais. Ce qui joint aux dépenses considérables que Sa Majesté a fait pour les maintenir sur leurs terres et pour pourvoir à leurs vivres et à tout ce qu'il leur a été nécessaire, ne nous permettoit pas de douter du zèle et de la fidélité des dits accadiens. Mais nous avons appris avec une vive douleur que certains d'entre eux et notamment le nommé Jacob Maurice,³ veuillent se rendre indépendants et ont refusé de prêter serment de fidélité au Roy nôtre maître, ce qui

¹Probably abstracted by Moreau de St. Méry, but now to be found in *France, Archives des colonies*, série F3, vol. 50-2, f.467; and at the Public Archives of Canada under the same denomination. The accents have been made uniform, although the circumflex on the possessive adjective "nôtre" is retained.

²*Archives des colonies*, série C11 A, vol. 97, f. 16, without the ordinance. Printed in P. Gaudet, *Acadian genealogy and notes*, Public Archives of Canada, *Report, 1905*, vol. II, appendix A, part III, appendix N, pp. 339-342, also without the ordinance.

³Jacques Vigneau, called Maurice or Morris, according to P. Gaudet, *Acadian genealogy*. Le Loutre reported that he had refused to take the oath, and his refusal the occasion for the ordinance.

les rend, à tous égards, coupable de la dernière ingratitudo et indigne de participer aux graces de Sa majesté.

Et comme nous devons punir de pareils sujets NOUS DÉCLARONS par la présente ordonnance que tous accadiens qui (huit jours après la publication d'icelle) n'aurons point prêté serment de fidélité et ne seront point incorporés dans les Compagnies de milices que/nous avons créés, seront avérés rebelles aux ordonnances du Roy et comme tels chassés des terres dont ils sont en possession. A quoy nous Ordonnons au S. Deschaillons de St. Ours¹ Commandant à la pointe de Beauséjour et de tous nos autres postes de tenir inviolablement la main et pour que nos intentions ne soient ignorées de personne, lecture de la présente ordonnance sera faite partout où besoin sera. En foy de quoy nous l'avons signé, à icelle fait apposer le cachet de nos armes et contre signé par notre secrétaire fait à Québec le 12 avril 1751 signé La Jonquière

pour Coppie
Laionquière
Signature autographe

¹Le Sieur Deschaillons de St. Ours, who had relieved Le Chevalier Louis François de Lacorne at Beauséjour on October 8, 1750.

GRADUATE THESES IN CANADIAN HISTORY AND ECONOMICS

WE are publishing herewith in the REVIEW our fifth annual list of graduate theses in Canadian history, government, and economics. These theses have either been recently completed or are still in the course of preparation. We believe that the list, although it may not be complete, serves a useful purpose in indicating what is being written by graduate students in the field of Canadian history, and in bringing to light valuable material of a specialized kind. We wish to express our appreciation of the assistance and the co-operation we have received from the universities of Great Britain, the United States, and Canada in giving us the information which we needed for the compilation of this list. We should be very grateful to have our attention directed to any omissions or mistakes which may have occurred.

ALISON EWART

THESES FOR THE DOCTOR'S DEGREE

T. S. ANDERSON. *The Howes and the American Revolution.* *Oxford.*

A. G. BAILEY, B.A. University of New Brunswick, 1927; M.A. Toronto, 1929. *The cultural relations of Indians and Europeans in the north-east of America.* *Toronto.*

G. V. BLUE, A.B. Oregon, 1922; A.M. California, 1923. *French diplomatic relations to the Nootka Sound controversy.* *California.*

C. S. BOERTMAN, A.B. Michigan, 1928; A.M., 1929. French and English intrigues among the Iroquois to 1713. *Michigan*.

LALLA R. BOONE, A.B. Texas, 1917; A.M., 1922. Vancouver's explorations in the Pacific. *California*.

MEREDITH F. BURRILL, M.A. Clark, 1926; Ph.D., 1930. Studies in the industrial geography of Montreal. *Clark*.

P. O. CARR, S.B. Kirksville State Teachers, 1923; A.M. Iowa, 1927. Defense of the frontier line, 1760-1775. *Iowa*.

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REVIEW ARTICLE

SOME RECENT ASPECTS OF IMPERIAL CONSTITUTIONAL LAW

The recent literature¹ of imperial constitutional law falls into several well-defined classes: works of a general nature, dealing with the dominions either separately or collectively; works of a general juristic nature; works covering some special aspects of constitutional law.

In the first class there are no books of outstanding importance. Mr. Stokes's *New imperial ideals*, for purposes of this review, does not call for a detailed examination. It is, however, necessary to call attention to his proposals for a reconstruction of the Imperial Conferences on a permanent basis, and for the control by the dominions with Great Britain of the non-self-governing dependencies. Mr. Stokes is candidly afraid of the future and of the permanency of a legal unity without a system of institutions in continuous co-operation. The logic is perhaps sound; but, if political experience is any guide, logic is certainly one of the most dangerous things to let loose in constitutional law, and it would hardly be wise to attempt to apply it at a moment when the legal and

¹*New imperial ideals: A plea for the association of the dominions in the government of the dependent empire.* By ROBERT STOKES. With an introduction by the Right Hon. Lord LLOYD. London: John Murray. Pp. xviii, 314. (10s. 6d.)

The government of the British Empire. By EDWARD JENKS. 4th revised edition. London: Murray. 1929. Pp. xii, 414.

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American precedents in Australian federation. By ERLING M. HUNT. New York: Columbia University Press. 1930. Pp. 286. (\$4.50).

The failure of federalism in Australia. By A. P. CANAWAY. Oxford: The University Press. 1930. Pp. ix, 215.

Le statut de l'Etat Libre d'Irlande. By GUILLAUME FAUCON. Paris: Rousseau. 1929. Pp. 252.

Die Rechtsbeziehungen der britischen Dominions zum Mutterland. By FRIEDRICH BERBER. Ansbach: Brügel und Sohn. 1929. Pp. 102. (\$1.00).

"The structure of the Empire." By T. BATY (*Journal of comparative legislation*, ser. 3, XII, iv, pp. 157-167).

L'Empire britannique: Son évolution politique et constitutionnelle. By J. MAGNAN DE BORNIER. Paris: Mechelinck. 1930. Pp. 304.

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political tendencies are far indeed from Mr. Stokes's proposals. On the other hand, Mr. Stokes writes with wide knowledge, with practical experience, with challenging suggestiveness; and, while his scheme may seem at the moment doctrinaire, yet no student of constitutional law ought to overlook a volume stimulating in its convictions and inspired by genuine enthusiasm. In addition, his invaluable discussions of the political situation in Ceylon and East Africa ought to be read side by side with those of Sir Anton Bertram.

It is a pleasure to welcome a new edition of Professor Jenks's *Government of the British Empire*, which, since its publication in 1918, has remained one of the best outlines both for the beginner and for the general reader. The new edition has been largely rewritten, and the work of the recent Imperial Conferences, the revolution of local government in England and Scotland, and the development of the Irish Free State receive adequate treatment. When the book first appeared we criticized the comprehensiveness of its title, as so little space was given to the empire (CANADIAN HISTORICAL REVIEW, I, 107). This criticism still holds good. In addition, adequate footnotes and a bibliography are wanting. In spite, however, of its limitations, it remains a scholarly and accurate introduction to the technical study of constitutional law.

Professor Jenks's book can fortunately be supplemented in one aspect by Sir Anton Bertram's *Colonial service*. The author brings to his work not only professional legal training, but administrative experience as a legal officer of the crown in the Bahamas, Cyprus, Ceylon, and Palestine. Without making any claim to completeness the volume furnishes an admirable view of certain aspects of public colonial constitutional law, and of the system of protectorates, protected states, and mandates. There is, indeed, a sorry gap in this field of law. All the older books are out of date; and we only regret to know that Sir Anton Bertram cannot do for the dependent empire what Professor Keith has done for the dominions. The quality of his writing and his attainments and experience are such as to disclose his eminent claims in this connection. The great merits, indeed, of this volume are liable to be overlooked, because the wide and general title may disappoint. It is not a formal treatise on colonial law, but is rather a series of judicial conclusions drawn with balance and wisdom from actual experience in direct and indirect rule; and students will be specially interested in the author's discussions. The review of the new constitution of Ceylon is extremely valuable, and we are inclined to agree with the author in his opinion, derived from personal administration there, that a responsible ministry might well have been created. We also accept, until convinced by more cogent arguments, his opposition to the proposed scheme of union in

East Africa. The book is accurate, well informed, and written with modest charm. We believe that in Palestine indirect election of the non-official members of the legislative, not nomination, was at first intended (p. 265); and (p. 132), a reference is necessary, among the systems of appeal courts, to that for West Africa. In addition, nationality in the mandates is not discussed. These, however, are small points which can easily be rectified in a new edition.

In turning to review the literature dealing with the dominions two books on Australia claim our attention. Mr. E. M. Hunt's survey of American influences and precedents in constitutional law on the formation of the Australian federation is an important and scholarly work, inasmuch as it reviews a neglected aspect of history and brings into relief movements in which American experience plays a decisive part. The work is based on sound scholarship and wide reading, and is informed with fine political and legal insight. Canadian readers will be specially interested in the part played by the British North America Act in the discussions, and by Richard Baker of South Australia who, like D'Arcy McGee, collected constitutional documents for purposes of widening colonial knowledge in constitutional law. This admirable study will, we believe, constitute a necessary companion study to Mr. Canaway's book, if not, indeed, an important antidote. We candidly confess that we cannot follow Mr. Canaway's reasoning. Assuming that Australian federalism was forced on the colonies as against a unitary system, he argues for Australian unification not merely to undo a great wrong but to place Australia on right lines. At times it is impossible to follow an argument carried on in a somewhat peculiar and affected jargon and in an unusual political nomenclature; but the main thesis seems to be developed apart from facts and tendencies. We are not at all convinced that federalism was forced on the colonies; and the truth seems to be that the leadership which is so severely criticized was an urgent need if any form of union was to be achieved. The basic defect of the book is one which robs it of conviction: that Australia would have done "right" as a legislative union, whereas it has done "wrong" as a federation. In other words, a blind faith in institutions seems to constitute the author's chief claim to distinction. The whole thing is meretricious, and the style and political philosophy dull and heavy. There are no references and there is no index.

The monographs by M. Faucon and Herr Berber have much in common and are largely concerned with theories of sovereignty and with the exact juristic nature of the British commonwealth. The former begins with the Irish Free State, and his processes of legal reasoning may be illustrated from some of his conceptions. For example, he believes

that the Free State is sovereign, but that it voluntarily refuses to exercise its full status for reasons of practical and utilitarian policies. All this is difficult to grasp with the articles of agreement for a treaty of 1921 in our hands. In addition, when M. Faucon, doubtless recalling the reference in the treaty to the status of Canada, proceeds to discuss the status of the dominions, he is far from either clarity or logic. He concedes that the dominions have no control over a declaration of war or of neutrality, and yet he claims that they can secede. He further believes that they derive a sovereignty from the *Report of the Imperial Conference of 1926*—how or why, no one knows. Even if we accept his conception of the Free State, it is extremely hard to reconcile it with the treaty, with no power over war and peace and neutrality, with the right of secession, with an extra-legal conference. Indeed, as far as the Free State is concerned, the right to secede, if that be laid down as the final test of sovereignty, is immaterial, since M. Faucon argues that, were it exercised, the Free State would be compelled by necessity to make a new treaty of alliance with Great Britain. With the general conclusion that the Free State enjoys the advantages of a republic with all the prestige and prerogatives which belong to the empire we may well agree, but it is rather tiresome to march the soldiers up the long legal hill and to march them down again. The reasoning ends somewhat in an anti-climax. It is unfortunate that the constitution of the Free State is not printed in full with the recent amendments. The bibliography is good, but not entirely comprehensive, and to it ought to be added the works of Hanna, O'Briain, and Rynne. There is no index.

Herr Berber's monograph is much more finely reasoned than that of M. Faucon. He penetrates to the inner spirit and finds in daily workings the ultimate realities of constitutional law. Compressed though the book is, it is closely argued, and it is evident that the author possesses no small skill in digesting wide reading and in seizing essentials. He sees that the dominions are states if we do not ride the older categories of international law to death. There are, however, some curious confusions. For example, and differing from M. Faucon, Herr Berber seems to believe that the dominions control for themselves the issues of war and peace, while he denies the right of secession. In addition, we cannot grasp, in connection with neutrality, Dr. Berber's parallel with French Savoy in 1914. There is a useful bibliography, but no index.

It is interesting to compare the general conclusions of these two foreign lawyers with that recently laid down by the distinguished English jurist, Dr. T. Baty. M. Faucon sums up his conception of the commonwealth as

une organization unique en Droit International; il se rapproche d'un type d'Etat composé, la Confédération d'Etats, mais est plutôt une entente entre Etats souverains qui consentent librement à ce que l'un d'entre eux joue une rôle prépondérant dans la conduite des affaires d'intérêt commun.

Herr Berber concludes:

das British Commonwealth of Nations ist ein Staatenbund mit dem Symbol einer gemeinsamen Krone, in dem Bundesrecht nur mit Übereinstimmung aller Bundesglieder und mit Bindung nur für sie, nicht unmittelbar für die einzelnen Bürger auf im allgemeinen gewohnheits-rechtlichem Wege geschaffen wird; die Bundesglieder sind völkerrechtsunmittelbar.

Dr. Baty argues that

it is difficult to understand the position of those who cling to the belief that the "British Empire" is a new category of state structure, *sui generis*, and incomprehensible except by the eye of faith. If we look at realities, we shall see that, with the acceptance on all hands of the assertion of equality as between the former colonies and the United Kingdom—no new person or body being invested with supremacy over all—the Empire has become a loose confederation of which the United Kingdom is at present the member of transcendent importance. The fiction by which an imaginary single "Crown" is supreme—a Crown which is a different Crown from whichever angle it is viewed—is too transparent to disguise the facts.

Meanwhile, unconscious of the burden of definitions, the empire moves on in its indefinable unity.

The difficulties presented by exact law, juristic concepts and constitutional conventions have not troubled M. de Bornier as much as many of his countrymen. His historical analyses of the constitutional developments among the British nations aims at showing how, in the processes, disintegration has been avoided and the future reasonably secured. It would be possible in this connection to point out some errors and scarcely justifiable conclusions; but we can afford to neglect them in an appreciation of such a succinct analysis. This analytical power is seen at its best when M. de Bornier places the dominions side by side in the League of Nations, under the Balfour *Report*, in strict law; and we are profoundly impressed with the contrasted pictures which emerge. While unaware, when he wrote, of the coming Act of Westminster, M. de Bornier is content to steer clear of dialectic, and to pass on to other problems. He sees that a "personal union" is hardly correct in law, but he has sufficient insight to recognize that the theory of a "common crown" is a good working conventional principle of cohesion if not killed by legal obscurantism. It is, however, necessary to warn readers, especially those in foreign countries, that the book does not deal with the dependent empire, and that they must be on their guard in accepting *ex animo* the author's balancing of the centrifugal and centripetal forces within the commonwealth. On the other hand, the volume is extremely

valuable in the grasp which it discloses of the international complexities which may arise out of recent constitutional changes and of the fact, to which M. de Fleuriau refers in the preface, that the main challenges to imperial unity lie outside and not within the empire. It is stimulating to read of these seen through the eyes of a cosmopolitan foreign observer and outlined in cold objective analysis. M. de Bornier, however, is not without hope that co-ordinating constitutional conventions may nullify these dangers and may serve externally as admirably as they have undoubtedly served internally. The notes are not of wide range or import; and there is neither index nor bibliography.

Perhaps the most significant of the books under review is that by Dr. Van Pittius. It is only just that we should welcome a study by a young scholar who has chosen a subject rendered increasingly important through the insistent demands made in public and municipal constitutional law by "equality of status" and mandates, to say nothing of women and children. The author is to be congratulated on seeing the urgency of the subject, and his work is on the whole scholarly. It is, however, unfortunate that he wastes so much time over the general law of nationality. For the profession his discussion is inadequate; and for the general reader it is too detailed. We should have preferred that more vital aspects of the field had been submitted to review. In addition, Dr. Van Pittius is extremely unreliable, and he has acquired a habit of carelessness which may severely hurt his soundness in learning and his critical acumen. There are many counts in the indictment.¹

¹As the book touches on serious and immediate issues and may well reach a second edition, it is in no spirit of severity that attention is drawn to errors which should receive revision: The *Report of the Imperial Conference of 1926* is repeatedly misquoted (pp. 4, 5, 34, 190, 191), as also is Professor Keith (pp. 7, 169, 174, 186, 187). General Smuts is misquoted (p. 10). We do not understand the statement (p. 10) that appeals to the judicial committee "may be stopped at any time by the Dominions." This is certainly not true at the present moment whatever the implication of the proposed Act of Westminster; and the author ought to read *Nadan v. The King*, [1926] A.C. 482, at pp. 491-493. The reference on the same page to the authority in the dominions of judgments of the house of lords ought, of course, to be referred to the remarks of the judicial committee in *Robins v. National Trust Co. Ltd.*, [1927] A.C. 515. The Draft Code of the committee of the League of Nations is misquoted (p. 22). The Nationality Act of 1914 is misquoted (p. 36). The revised Draft of the League is misquoted (p. 39). The words "government of a Dominion" (p. 59) are obscure. The Preliminary Draft Convention is misquoted (p. 104). The names of Mr. Flounoy and Mr. Schücking are incorrect (p. 132). The reply of the government of the United Kingdom to the League is misquoted (p. 134). The Canadian Immigration Act is misquoted (p. 166). Dr. D. Kerr is misquoted (p. 167). The date of the Imperial Conference of 1923 is omitted, and the secretary of state's statement to the Conference is misquoted (p. 176). The *Covenant of the League of Nations* is misquoted (pp. 178, 179). "Foreign office" (p. 189)

It might not be possible to convict the author of a serious offence under each, though some of them are of importance; but their cumulative force is such as to create mistrust and doubts in the author's intellectual and scholarly reliability. We make no claim to an exhaustive examination in this connection and we offer these censures in no unkindly way. The book is full of such excellent promise that it is worth while to attempt to win Dr. Van Pittius from the error of ways which may be most detrimental to his undoubted ability and may give rise, if not corrected, to a genuine lack of confidence in his writings.

Finally, some reference must be made to the *Report on inter-imperial relations* of the Imperial Conference of 1930, with the schedule of proposed legislation to be known as the Act of Westminster. This act will grant full extraterritorial power to laws made by the parliament of a dominion; will repeal the Colonial Laws Validity Act of 1865; will abolish the doctrine of repugnancy; will regulate the legislative powers of the parliament of the United Kingdom; will preserve or guard constitutional regulations in Australia, New Zealand, and Canada, in the latter case subject to agreements outlined below; will abolish the legal application of the word "colony" to the dominions, to the Australian states, and to the Canadian and South African provinces; will provide for changes in the Merchant Shipping Act, 1894, and in the Colonial Courts of Admiralty Act of 1890. The recitals will include a declaration that the parliament of the United Kingdom will legislate for a dominion only at its request and with its consent, and that any alteration in the law touching the succession to the throne or the royal style and titles shall require the consent of all the parliaments of the dominions as well as that of the parliament of the United Kingdom.

It is perhaps unwise to prejudice in advance the workings of the proposed statute; but certain difficulties may well be observed. We fail to understand why the extraterritorial operation of dominion legislation was extended beyond the reference given by the Imperial Conference of 1926, which suggested that the Conference of 1929 should discuss "the practicability and most convenient method" of giving extraterritorial effect to the laws of a dominion "where such operation is ancillary to provision for the peace, order and good government of the Dominion." The Conference of 1929, lightly and with no disclosed reasons, brushed aside the limitation (to which the parliament of Canada was committed in July, 1924); and, exceeding their reference, suggested

ought to be "colonial office." The *Appendix to the proceedings of the Conference of 1923* is misquoted (p. 190). The definition of Canadian domicile (p. 216) is made ludicrous, while the difficulties in legal administration in Canada are cavalierly brushed aside in entire ignorance of their existence.

the general terms approved in 1930. We believe that it would have been wiser to work along the lines of the suggestions of 1926; and that the power should apply only in the case of the "nationals" of a dominion. Grave complications and friction may arise which in a wider atmosphere of honest cohesion might have been avoided. Canada is about to revise in an admirable manner under the guidance of the Hon. C. H. Cahan, the statute defining and governing its "nationals"; and if it is possible, as undoubtedly it will be, to make this statute work, there is no reason on earth why the extraterritorial operation of dominion laws ought not to be confined to the nationals therein defined.

The change in relation to the Colonial Laws Validity Act, 1865, suggests certain considerations. At this point it may be well to refer to the dominion-provincial conference of April, 1931, in connection with the Act of Westminster. The following agreement was apparently reached (*Canadian bar review*, ix, p. 310):

- (i) That the status quo should be maintained insofar as the question of repealing, altering or amending the British North America Act, is concerned and that definite safeguards should be inserted in the proposed Canadian section of the Statute of Westminster to ensure that no powers would be conferred by that statute in this respect.
- (ii) That provision should be made that except as to the British North America Act, the Colonial Laws Validity Act should no longer apply to Acts of the Parliament of Canada, nor to Acts of the Legislatures of the Provinces.

In addition, the prime minister promised a future constitutional dominion-provincial conference to consider the conditions upon which the provisions of the British North America Act might be hereafter amended or repealed. For the present we must accept these statements as substantially correct, although they are unofficial.

In reviewing them, we notice that the provinces of Canada have suggested an extension in the draft act to cover a change in the Colonial Laws Validity Act in relation to their own legislation. The constituent powers of the provinces, guarded by section 5 of that act, may disappear (Cf. *Fielding v. Thomas*, [1896] A.C. 600, at p. 610); and a province may not be able to bind its successor, as it would under that section, in legislation dealing with constituent changes (Cf. *Journal of comparative legislation*, ser. 3, II, iii, p. 331). The matter is perhaps of little importance in the light of section 92 (i) of the British North America Act, 1867; yet it is well to put it on record. In addition it is well, I think, to recognize that, with the general changes for Canada and its provinces in relation to the Colonial Laws Validity Act, it will be possible, by proper legislative action in Canada, to bar completely appeals from the federal and provincial courts to the judicial committee.

The dominion-provincial agreement of April, 1931, seems to make the

constitution of Canada more rigid and inelastic. To the discussion of this matter much theory has been contributed, and I have no desire to add to it. On the one hand it is argued that provincial agreement makes the constitution part and parcel of the laws of the Medes and Persians. On the other hand it is argued that the federal legislature should proceed, as of old, by resolution and apart from definite provincial consent however given. All that one can say is that it is an extraordinary conception of the federal political principle to believe that the *federal* legislature should control constituent changes; and that attempts to create machinery to satisfy "state rights"—which have an undoubtedly logical position in *constituent* matters in a *federation*—have in the United States and in Australia failed to nullify rigidity. Indeed, the constituent powers in Australia are practically non-existent. It may be that Canada suffers from a rigid constitution, and it may be that in legal logic federation was neither a treaty nor a contract. Yet historical and legal truths must yield to the compelling forces of practical affairs; and we believe that, whatever else may be the issue, it is not possible to grant to the federal legislature constituent powers. The consciousness of Canadian autonomy has affected the provinces and accentuated claims and rights fought for by the Liberal party to the nullification of Macdonald's principles. It seems wisest to proceed along lines of consultation and discussion; and as these are laid in the promised dominion-provincial conference it may be possible to do not a little to overcome those economic forces, both public in the hands of the various governments and legislatures and private in the local centres, which make the problems of Canadian constitutional law in reality essentially economic. At any rate it has always seemed to be a sorry business to cry aloud that Canadian autonomy is limited in the judicial and constituent spheres, when the limitation itself is imposed within Canada.

W. P. M. KENNEDY

REVIEWS OF BOOKS

The Economic Development of the British Overseas Empire. Volume II: Comparative View of Dominion Problems: Canada. By L. C. A. and C. M. KNOWLES. London: George Routledge and Sons, Ltd. 1930. Pp. xxiv, 616.

THIS work was left unfinished by Mrs. L. C. A. Knowles and published posthumously, and is, therefore, difficult to review in a critical manner. Its defects might readily have been remedied had Mrs. Knowles lived to finish her manuscript and to give it final revision. Mr. C. M. Knowles, in completing the work, has performed his task reasonably well, but rarely can one individual carry out with genuine satisfaction the completion of another's book, and the present volume has the usual defects. It abounds in generalizations which Mrs. Knowles, well informed as she was, would hardly have left as her final judgment. It is needless to draw attention to all the instances that the reviewer noted. One case will serve the purpose. In briefly commenting on the labour movement in Canada, Mrs. Knowles wrote (p. 41): "At the same time such control as there is in the labour movement comes from the United States, as the Canadian workmen are in American Unions and thus Canadian employers have to submit to American control of their labour. The labour movement in Canada is merely an echo of the movement in the United States." If these statements occurred in a very brief sketch of Canadian economic problems, they might perhaps be excusable, but appearing in a volume of over 600 pages they are indefensible because they will certainly mislead those unacquainted with Canada's development. No one can deny the great influence of American labour on Canadian labour, but American influence is not the whole story. Canadian unions have always recruited British immigrants, who necessarily influenced policies and attitudes. Moreover, some labour unions in Canada, like the Catholic unions of Quebec and national unions elsewhere, repudiate all American connections, and attempt to achieve an organization separate and peculiar. These influences must at least be recognized even in a brief estimate of Canadian labour.

Apart from such details there is much to commend in this volume. It embodies the extensive research in the official sources of information that had always characterized the work of Mrs. Knowles. What might be considered the central aim in the book, that of illustrating how the development of the Dominion has been determined by transportation facilities, is reasonable. Unfortunately, however, in some chapters the

authors allow details to becloud the main picture. Also unfortunate is the fact that we come across again the frequently argued thesis that the Dominion is a triumph over nature. In a sense every state in a new country is a triumph over nature, and that of Canada is so in little more than the usual degree. The argument that geography intended most regions in Canada to be linked politically and economically with parallel regions in the United States overlooks some vital geographical facts; e.g., that the great rivers of Canada flow north and east, and these natural channels of communication have helped to give a geographical unity to the country. The whole relationship of geography to Canadian development has yet to be thoroughly worked out, notwithstanding that a few interesting articles on the subject have appeared. The present volume does not throw any new light on the matter. Whatever the defects of this book as a whole, it is the first ambitious attempt to present in a single volume a study of Canada's economic development, and as such it is certainly necessary for all students of the subject.

ALEXANDER BRADY

Ymago Mundi de PIERRE d'AILLY. Texte latin et traduction française des quatre traités cosmographiques de d'Ailly et des notes marginales de Christophe Colomb. Étude sur les sources de l'auteur. By EDMUND BURON. 3 vols. Paris: Maisonneuve Frères. 1930. Pp. 828. (375 fr.)

THE first great historian of Columbus, Bartholomew de Las Casas, attributed to Pierre d'Ailly a prime importance in the formulation of Columbus's plans. Las Casas¹ said "y este doctor creo cierto que á Cristóbal Colon más entre los pasados movió á su negocio." The copy of the *Ymago Mundi* together with several other books used by Columbus still exists in the Colombina Library in Sevilla, Spain. The margins of these books contain hundreds of notes in the handwriting of Christopher Columbus, of his brother Bartholomew, and of an undetermined third party.² The *Ymago Mundi* has been considered the most important of these books because of its supposed influence on the plans of Columbus. Its margins alone contain 898 notes according to the numeration of Cesare de Lollis.

Vignaud³ considered the *Ymago Mundi* so important that he ascribed

¹B. de Las Casas, *Historia de las Indias* (5 vols., Madrid, 1875-6), tome I, cap. XI, p. 89.

²Sr. Dr. D. Servando Abrolí y Faraudo, *Biblioteca Colombina: Catálogo de sus libros impresos* (6 vols., Sevilla, 1888-1926), vol. II, apéndice pp. xli-xliv; article signed by Simón de la Rosa y López.

³Henry Vignaud, *Histoire critique* (2 vols., Paris, 1911), II, 352, 460.

to the book of Pierre d'Ailly the source of all Columbus's cosmographical ideas. However, the real influence of the *Ymago Mundi* on Columbus is as yet undetermined. Scholars in general have not had access to the Columbus copy of the *Ymago Mundi*. There have been several partial or complete reproductions of the notes, namely by Varnhagen,¹ Peschel,² Harrisse,³ Vignaud,⁴ and, best of all, Cesare de Lollis.⁵ All of these, however, have had the vital defect of separating the Columbus notes from the complete text of the *Ymago Mundi*. Therefore, scholars who do not have access to the Columbus copy of the *Ymago Mundi* are unable to determine the connection of the work of d'Ailly and the plan of Columbus. Were the notes simply reading guides of Columbus to the text of the *Ymago Mundi*? Were the notes essentially the plans of Columbus and nothing more? Were the notes in perfect agreement with the text of the *Ymago Mundi*? Were the notes either occasionally or frequently in disagreement with the text of the *Ymago Mundi*? When were these notes written? By whom were they written? When did the *Ymago Mundi* come into the hands of Columbus? When was the *Ymago Mundi* printed? Did Columbus have access to a manuscript copy of the *Ymago Mundi* before he obtained this printed copy? If Columbus obtained the essentials of his plan from the pages of the *Ymago Mundi* what is the significance of similar notes on his other books? These questions have never been satisfactorily answered.

M. Edmund Buron has made a most important contribution to the study of Columbus. He was largely responsible for the recent issuance of a facsimile of the Columbus copy of the *Ymago Mundi*.⁶ This work preceded the present edition of the *Ymago Mundi* which presents parallel texts of the medieval Latin and a free translation in modern French. The Columbus notes are given in proper relation to the text in both the Latin and French versions. The notes are numbered according to the system of M. Cesare de Lollis in the *Raccolta Colombina*. In the few cases where M. Lollis did not give a number M. Buron has marked the postille with a "bis" prefixed to the preceding numbered postille.

M. Buron in order to complete his work and make it supremely useful

¹F. A. de Varnhagen, in *Bulletin de la société de géographie de Paris*, January, 1858, 71.

²Oscar Peschel, *Geschichte des Zeitalters der Entdeckungen* (Stuttgart, 1877), 88-107.

³Henry Harrisse, *Notes on Columbus* (New York, 1866).

⁴Henry Vignaud, *Histoire critique* (Paris, 1911).

⁵Cesare de Lollis, *Raccolta di documenti e studi: Pubblicati dalla R. commissione Colombina, etc.: Scritti di Cristoforo Colombo*, part I, vol. II. There is also a facsimile of the Columbus postille in the same work, "Autografi di Cristoforo Colombo", part I, vol. III.

⁶Petrus de Aliaco, *Ymago mundi* (photostat reproduction: Boston, Massachusetts Historical Society, 1927); 22 copies mostly for libraries in the United States.

to Columbian scholars has gone much further than a mere editor or translator. He has made a careful study of the medieval and ancient works of cosmography with the object of determining so far as possible the source of the material placed by Pierre d'Ailly in his text. In this way is made evident the heavy draft d'Ailly made on Roger Bacon's *Opus Majus* and Nicolas d'Oresmes's *L'Espere*. He also drew on the work of Sacrobosco, Albertus Magnus, Vincent of Beauvais, Orosius, Isidore of Seville, and Bede, Alfragan, Albateny, and Averroës, Solinus, Pliny, Strabo, Ptolemy, Aristotle, and others. M. Buron has searched out passages from all these authors which show, almost word for word, parallels with the corresponding paragraphs of the *Ymago Mundi*. As a fitting introduction to the *Ymago Mundi*, M. Buron prefixed an account of the life and labours of Cardinal Pierre d'Ailly.

The plan of M. Buron's work is perfect. If there are questions concerning the accuracy of the free French translation, comparison is readily available with the Latin text. If there is question of the Latin, comparison with the facsimile is possible. The Columbus notes *in situ* with complete text of the *Ymago Mundi* make it possible, for the first time, for scholars in general to study the relation of the *Ymago Mundi* to the plans of Columbus. Tracing the sources of the material in the *Ymago Mundi* makes evident the relation of the work of Pierre d'Ailly to all the cosmographical knowledge of the preceding ages. Specialists may not agree with M. Buron in his translation or with his interpretations of the Latin text. Particularly they may not accept his comments on the Columbus problem in his introduction. This is to be expected. The essential contribution is the facsimile, the printed Latin text, the French translation, and the study on the sources of Pierre d'Ailly.

M. Buron's work on the *Ymago Mundi* is so well done that it is to be hoped that it will be possible for him to clarify further the history of Columbus by similarly treating the Columbus copies of *Aeneas Sylvius's Historia rerum ubique gestarum*, C. Plinius Secundo's *Historiae naturalis* and the *Book of Ser Marco Polo*.

GEORGE E. NUNN

Jacques Cartier et la découverte de la Nouvelle-France. By CHARLES de LA RONCIÈRE. Paris: Librairie Plon. 1931. Pp. 245; 6 illustrations.

FOR the opening this year of the great French Colonial Exhibition at Vincennes a series of biographies of the founders of France's colonial empire is being issued. This is one of the first to appear and Champlain also figures in the list. M. de la Roncière, whose history of the French navy is so well known, has written an excellent account of Cartier's

career which he has placed within its proper setting of contemporary events. We are made to realize clearly the *milieu* in which Cartier grew up and get a vivid picture of what was passing in his mind. Unfortunately a number of slips have crept into the volume which in future editions should be corrected.

The author has gone badly astray over Cabot's voyage merging the two voyages into one. He is also much impressed with Le Clercq's account of the use of the cross at Gaspé in 1675 which he thinks came from Cartier's time. If one considers, however, that the Indians met with in 1534 had come down from Stadacona this is seen to be impossible. As for thinking that Cartier's Indians had taken the sign of the cross from the Norsemen nothing could be more fantastic. M. de la Roncière always prints Dom Agaya as one word after the Quebec edition of 1843. All the MSS., however, as well as the printed version of 1545 give Dom Agaya. Unfortunately the reprint of 1863 made one word for which there is no sort of authority. The bishop who received Cartier in 1535 was not Denis Briçonnet but his nephew François Bohier. On this voyage Cartier named the St. Maurice *rivièrē de Fouez* which means beech-trees, then common thereabouts. M. de la Roncière gives *Foix* after Lescarbot which means nothing. In this life it is pointed out for the first time that Roberval's commission of January, 1541, practically superseded Cartier's of October, 1540, which could only hold in so far as might be agreeable to Roberval. This was no doubt the cause in great part of the enmity between the two men. Many quotations are given from André Thevet but that regarding the noxious gases is pure fantasy on his part. The fact that his Indian words agree with Cartier's simply means that he took them from the printed text of 1545. The quotation from La Potherie (p. 128) refers not to the St. Charles River but to the other Ste. Croix at Point Platon. Since Cartier was still at St. Malo in July, 1543, it is improbable that he sailed in the *Emerillon* that year to fetch Roberval. The latter's lieutenant, Paul d'Aussillon, was seigneur de Sauveterre, not Senneterre as printed in Hakluyt and other texts.

We are given a most entertaining account of Cartier's influence on Rabelais based upon the conclusions of Professor Abel Lefranc of the Collège de France, while the story of Roberval's niece and her lover as described by Marguerite de Navarre and Thevet adds a touch of romance to the volume. The story is continued beyond Cartier's death in 1557, in order to describe how the connection with Newfoundland and Canada was maintained throughout the sixteenth century. For this purpose the rare volume of the voyages of Martin de Hoyarsabal, published at Bordeaux in 1579, is of the greatest importance. A copy

of the edition of 1630 is now in the library of the Public Archives at Ottawa.

On page 173 "Odelieu" should be "Odelica", and in the bibliography the two texts of the first voyage published in 1865 and 1867 have been combined into one.

H. P. BIGGAR

Cadillac, Knight Errant of the Wilderness, Founder of Detroit, Governor of Louisiana from the Great Lakes to the Gulf. By AGNES C. LAUT.

Indianapolis: The Bobbs-Merrill Company. 1931. Pp. 298. (\$3.75)

MISS LAUT knows Canada and some of the most delightful parts of this biography are the descriptions of Canadian life, customs and scenery. She has the visual imagination, not only to report what she has seen, but to conjure up other days and other ways from the dusty sources of old documents and official reports. Moreover, when she adopts an historical character as a hero, she makes a hero of him, with too little attention to his failings or to stubborn facts. Thus Miss Laut considers Radisson the discoverer of the Mississippi, notwithstanding that careful students withhold that palm from the trader whose journals are too involved to be accepted as reliable historical documents. Barring Radisson, she would accept as the discoverer Marquette, who never claimed the honour, according it to his associate, Louis Jolliet (not Joliet).

Cadillac, the author admits, was not a discoverer; in her trinity of French leaders in North America—the discoverers, the explorers, and the upbuilders—she classes the subject of this biography among the last; credits him with the origin and beginnings of Detroit, and on that ground awards him his title to fame. In the reviewer's opinion the biographer does not go far enough in her encomiums in this matter. She does not point out the importance of Detroit to the growth of New France: it was the mark protecting New France on the side of the English colonists, as well as the link that bound together Canada and Louisiana. Cadillac's chief title to be called "great" comes from his vision of the value and importance of this site between the upper and the lower Great Lakes.

In other matters also Miss Laut does not do full justice to Cadillac's story; she gives but a slight and inadequate account of his life on the New England coast, nor does she know what the Maine Historical Society tells us of the return of Cadillac's granddaughter to America, introduced by Lafayette, and of the grant to her by the Massachusetts assembly of a portion of the island of Mount Desert, where she and her family lived for several years.

Miss Laut's account of Cadillac's life in Louisiana is not wholly trustworthy. There was no such person as Anthony Crozart, whom she

makes a companion of Cadillac in Louisiana. Antoine Crozat held the concession of the colony from the king and sent commissioners to Louisiana, but the statements that he came in person will surprise all students of the history of Louisiana.

One who reads this book for the delight of a flowing narrative and the pleasure of pen pictures by a competent artist, will obtain many thrills therein. And yet even in the use of good English the author frequently errs. She uses such colloquialisms as "a patch on the face of the Western States", and such poor sentences as he "died pretty nearly unknown until 1902." She also intrudes her opinions and prejudices into the historical accounts. No one should take this biography's historical background without careful culling. The description of Cadillac's dealings at Detroit with the western Indians is inaccurate and misleading. The author says very little of the life of her hero while he was commandant of Mackinac.

The reviewer does not wholly agree with Miss Laut's interpretation of Cadillac's character and personality. The author has fixed in her mind the pattern of a typical Gascon, such as is pictured in the play of *Cyrano de Bergerac*, and then cuts her biography to fit the pattern. In some instances she does injustice to her subject and in others more than justice.

Once more, however, the reviewer wishes to emphasize the debt Detroit and all western historians owe to Miss Laut for her vivid portrayal of life in pioneer days and her fresh interpretation of the French régime in North America.

LOUISE PHELPS KELLOGG

Vancouver, a Life, 1757-1798. By GEORGE GODWIN. London: Philip Allan. 1930. Pp. 308. (15s.)

The public has long waited for a real life of Captain George Vancouver. This volume is the nearest approach to such a work that has yet appeared; and while there are many gaps and blemishes it is incomparably better than any of the preceding attempts.

Naturally and properly the body of the book is concerned with Vancouver's great service as the pioneer scientific explorer of the north-west coast of America. His earlier life with the great Captain Cook and with Rodney and Gardner, all names to conjure with, is lightly sketched as introductory matter. Vancouver's visit to the north-west coast had a two-fold object: diplomatic, to arrange for the retrocession of the lands of which Meares claimed to have been dispossessed; and scientific, to explore the coast and settle finally the question as to the existence of a navigable waterway connecting the two oceans. Two

causes underlay the failure of his diplomatic mission: first, a misunderstanding on his part of the real significance of the Nootka Convention of 1790, and second, the fact that Meares had never obtained a title to any land on the coast. The author scarcely seems to have appreciated the diplomatic situation, though he appears to have read Dr. Lennox Mills's article upon the Nootka Convention in volume VI of this REVIEW. He has, however, condensed well and accurately, the account of Vancouver's exploratory work. His appreciation of Vancouver as a man and as a navigator is full and fair.

The absence of a background is plainly and painfully apparent. The author has not a close acquaintance with the Spanish discoveries nor with the work of the fur-traders who for seven years before Vancouver's arrival had been nosing into all the openings in the coast from the Columbia River to Cook's Inlet and thus had learned its whole exterior appearance. He refers to the trading vessels, *Venus*, *Butterworth*, and *Jackal*, but they seem to have dropped from the clouds. He apparently does not realize that there were about twelve, twenty-one, seventeen, and eleven trading vessels flitting up and down the coast in 1791, 1792, 1793, and 1794 respectively.

The book is in truth the work of a journalist rather than that of an historian. No historian would have stated (p. 78) that Broughton took possession of the region of the Columbia River in ignorance of the claims arising from Gray's discovery. Nor would he have omitted a reference to the memorial erected at Nootka Sound by the Historic Sites and Monuments Board of Canada, commemorating Vancouver's work (see p. 168). The author shows a tendency to express unwarranted opinions and judgments. Of this the discussion of the Juan de Fuca question is a good example. That matter has been thoroughly investigated by masters like Navarrete and the late Dr. George Davidson, and their considered and scholarly conclusions are not to be met by flippant superficialities, such as are to be found on pages 60-62.

No effort has been made to modernize the proper names: Kealakekua Bay, save on pages 18 and 102, is still Karakakoa; Kaiana is in the old form, Tianna; Monterey remains Monterrey; Hawaii, too, is in original spelling, Owyhyee; Kauai, except where Kanai is used, is Attowai; Kamehameha, the Napoleon of the Hawaiian Islands, is still Tamaahmaah, except on page 118 where an unsuccessful effort is made to give the modern and accepted form.

It is plain from some pages, e.g., page 117, that the author has consulted and used other authorities than those mentioned in his bibliography. The appendix, which occupies more than one-third of the book, contains much valuable raw material, gathered from many sources,

some of which has never been in print before, and which will be of great importance when the definitive life of Vancouver comes to be written.

The work contains some ten illustrations and three reproductions of charts, including Vancouver's great chart, and there is a very good index.

F. W. HOWAY

General James Grant of Ballindalloch, 1720-1806; Being an account of his long services in Flanders, America and the West Indies, with original letters. London: Published privately by Alastair Macpherson Grant, 76 Cadogan Place, London, S.W. 1930. Pp. 108. (5s. 6d.).

THE main facts in the career of James Grant are known to historians of the eighteenth-century wars in America. Born on an estate in the Scottish highlands in 1720, he entered the army in 1741, and, during the remaining portion of the century, had an extensive experience of fighting both in Europe and America, *viz.*, in Flanders, 1744-8, in America and the West Indies, 1757-63; and again in America and the West Indies during the Revolutionary War, 1776-9. He rose in rank in the army until he became a general. His most important military services were the overthrow of the uprising of the Cherokee Indians in 1761 and his capture of St. Lucia in the West Indies in 1778, followed by his stubborn defence of this island against the attempts of the French, under Count D'Estaing, to recapture it. In 1758, while leading an advance column of Forbes's army which was advancing against Fort Duquesne he was ambushed, defeated and captured, and transferred to Canada, where he was a prisoner until the latter part of 1759. He made good use of his time thereby making a thorough study of conditions, which he later embodied in a valuable report, which was sent to Pitt. His most important work during peace times was in the development of the colony of East Florida, of which he was governor from 1763 until 1771. This book is an amplification of this record and gives many details of life on a highland estate, of conditions in Scotland after the Jacobite rising of 1715, and of Grant's services in war and peace, largely taken from original documents and letters which have never before been published.

J. C. WEBSTER

Zimmermann's Captain Cook: An Account of the Third Voyage of Captain Cook around the World, 1776-1780. By HENRY ZIMMERMANN and translated from the Mannheim edition of 1781 by ELSA MICHAELIS and CECIL FRENCH. Edited by F. W. HOWAY. Toronto: Ryerson Press. 1930. Pp. xiv, 120. (\$5.00.)

THIS volume ably edited with introduction and notes by His Honour Judge F. W. Howay is a welcome addition to the *Canadian historical*

studies. In his foreword the general editor, Dr. Lorne Pierce, claims that this edition of Zimmermann's *Cook* is definitive. A perusal of the work bears out this contention, but one regrets that the edition is limited and will doubtless soon be exhausted.

Heinrich Zimmermann, a native of Wissloch in the Palatinate was a journeyman belt-maker, who, after trying various other occupations on land, shipped with Captain Cook on his third voyage as a common sailor on board *H.M.S. Resolution*. From the outset, he tells us, he kept a small diary in which he jotted down in abbreviated German the outstanding events of the journey. Cook's last voyage, in spite of the regulations to the contrary, produced a whole crop of unauthorized publications. These Judge Howay carefully lists and evaluates in his scholarly introduction. Zimmermann's book was the first narrative of the third voyage to appear on the continent. It was published in German at Mannheim in 1781, and at Paris in a French translation in 1783. From the French the volume was translated into Russian in 1786 and a second Russian edition came out in 1788. The Mannheim edition is very rare and Judge Howay lists the copies known to him.

The first English translation of Zimmermann's *Cook* was issued in 1926 by the government of New Zealand as a bulletin of the Alexander Turnbull Library. The translation for Judge Howay's edition is a new one made by Miss Elsa Michaelis and Mr. Cecil French. It is, on the whole, an improvement on the first English rendering.

Zimmermann's text has been most carefully edited. The notes are filled with references to Cook's *Voyage*, the official publication, and to the narratives of Ellis, Gilbert, Rickman, Ledyard, and Burney. Thus it is easy to ascertain where Zimmermann's differs from the other versions and when the German sailor is in error. Zimmermann's dates are often wrong and sometimes he gets quite confused in his order of events. But he adds from time to time little touches which do not occur elsewhere, as for example, the mention of Omai's dissatisfaction with the house which Cook built for him. On the other hand there was much which Zimmermann could not know and had to guess at. His longitude and latitude were often at fault and he was not sure of the exact names of islands. Then too Captain Cook was not very communicative and Zimmermann could only record the ship's gossip. The document in the bottle found on Kerguelen Island was in Latin not French, but the interesting piece of information we owe to Zimmermann is that "Captain Cook kept the contents of this letter secret."

Judge Howay claims that Zimmermann's account is inferior to that of Ellis in its scientific knowledge, to that of Rickman in its nautical precision, and to that of Ledyard in its philosophical outlook but that it

possesses directness and human interest. This is nowhere better shown than in the treatment of Captain Cook. Zimmermann was a great admirer of Cook, but he was not blind to the faults of his great commander and was quite ready to censure him when Cook's actions seemed to be unjust. None the less he leaves a description of Cook which is charming in its sincerity and simplicity:

Captain Cook was a tall, handsome man, of somewhat spare build, slightly bent but strong, dark brown in complexion and stern of visage. . . . He was very strict and hot-tempered, so much so that the slightest insubordination of an officer or sailor upset him completely. . . . He would often sit at the table with his officers without saying a word and was always very reserved. . . . He never spoke of religion, would tolerate no priest on his ship and seldom observed the sabbath but otherwise was a just man in all his dealings; he never swore, not even when in the greatest anger. . . . Temperance was one of his chief virtues. During the whole time I was with him on this voyage I never once saw him drunk. . . . His table was sparsely laid, much more so than that of his officers. For the most part his meals consisted of sauerkraut with a piece of salt meat and some peas. . . . On Saturdays he was as a rule more friendly than other days; he would then drink one more glass of punch than was his custom, and this to the health of all beautiful women and maidens.

Zimmermann's book was well worth reprinting for its own sake as a valuable part of the literature of Captain Cook's third voyage. Judge Howay's introduction and notes add greatly to its value. The volume is well printed and is illustrated with a frontispiece, reproductions of the original German and French editions, and six charts.

WALTER N. SAGE

The Correspondence of General Thomas Gage with the Secretaries of State, 1763-1775. Compiled and edited by CLARENCE EDWIN CARTER. (Yale Historical Publications, manuscripts and edited texts, XI.) Volume I. New Haven: Yale University Press. 1931. Pp. xii, 455. (\$5.00.)

GENERAL Gage held the appointment of commander-in-chief of the forces in North America during a period (1763-1775) when that office possessed more authority than at any other time. In addition to his purely military duties, he was responsible for the governance of the western country and for the administration of Indian affairs. Frontier problems and the disturbed state of provincial politics brought him into frequent contact (and occasional conflict) with the civil governors. He had previously served as military governor of Montreal (1760-1763), and during the last two years of his supreme military command, he held coincidentally the civil governorship of Massachusetts. He wrote, during those fifteen years, more than six thousand letters, remarkably few of which have hitherto found their way into print. Gage's American

papers have, however, recently passed into the possession of Mr. W. L. Clements of Bay City, Michigan, and, in conformity with Mr. Clements's generous policy in such matters, will presumably in due course become available to the competent inquirer.

Meantime Professor Carter has set himself the task of presenting to a larger public such of the Gage papers as seem most significant. The present volume contains the despatches sent by Gage to successive secretaries of state, from the inception of his military command at New York, to his recall from Boston. It was his habit to summarize in these letters the news which he had received from his multitudinous correspondents, both civil and military. The result is that these 263 despatches constitute a remarkable panoramic survey, such as can be found nowhere else, of the American scene during this exciting and critical period. It is, however, a picture which contains few features calculated to startle the historian, since this particular series of despatches has long been available to readers in the Public Record Office, while many of the letters upon which Gage's information depended are already familiar to historians.

Professor Carter's own deductions from these letters are extremely interesting. Something less than a decade ago, in an article "The significance of the military office in America, 1763-1775",¹ he laid stress upon the importance and variety of General Gage's functions, and upon the weight which that officer's views carried at home. At that time, however, Professor Carter held that there was "indisputable evidence that British officials had no thought of establishing a jurisdiction in America that would be superior to the civil power—the actual intention being to retain the army simply for purposes of defense." Five years later he permitted himself to speak of Gage as "a governor-general in fact, if not in name."² In the introduction to the present volume, Professor Carter again emphasizes (over-emphasizes, in the opinion of the reviewer) the "growing tendency of government to rely upon General Gage for information and advice in all manner of questions." More important, he detects evidence of a "trend towards imperial union, based upon military foundations", and of a unity which "in laying the foundations for the ultimate exercise of coercive authority . . . represents a new phase of British policy." The reviewer is anxious not to misrepresent the opinions of Professor Carter, but it certainly seems to him that there has been a significant change of opinion here. Eight years of study, and a careful examination of the Gage manuscripts, may

¹*American historical review*, XXVIII, 475-488.

²"Notes on the Lord Gage collection of manuscripts" (*Mississippi valley historical review*, XV, 511-519).

well justify such a change, but Professor Carter must not expect his readers to acknowledge the historicity of the 'Gage-for-governor-general' policy without more evidence than has yet been adduced in its favour. It must be said that the present volume contains little or no such evidence, at least as applying to the period before 1774. Possibly the despatches from the secretaries to the commander-in-chief contain more. It is, indeed, regrettable upon various grounds that the two series, the eastbound and the westbound, were not published together in chronological arrangement.

Economic reasons have doubtless necessitated the use in this book of print too small to be read with ease. Similar motives, perhaps, account for a paucity of explanatory matter which, in view of Professor Carter's qualifications to guide us in this field, is especially deplorable. On the other hand, the editor has been most painstaking in inserting references not only to printed copies of documents referred to, but to unpublished letters in the Gage manuscripts which would otherwise be difficult to trace. These references will acquire value cumulatively as further volumes of the work appear. Students at a distance from Michigan would doubtless have appreciated more frequent references to contemporary copies in other archives. Care should, also, have been taken to indicate whether enclosures are still to be found with the original letters.

For Canadian history, in the narrowest sense, there is little of interest, and nothing of revelation in this book. Gage's despatches from Montreal are not included; his references to Canadian affairs, while not infrequent, are unimportant. We may, however, hope for better things. The Gage manuscripts include as many letters between Gage and Murray, and Gage and Carleton, as there are despatches in this volume. Moreover, Gage had thirty other correspondents in the province of Quebec, and still others in Nova Scotia. Since the topical, rather than chronological, method of presentation has already been adopted, Professor Carter might be induced to publish these Canadian letters as a separate volume. Such a work, if as ably edited as is the present book, would be of great interest and value.

S. MORLEY SCOTT

Marges d'histoire, III: Saint-Sulpice. Par OLIVIER MAURAUXT. Montréal: Librairie d'action canadienne-française. 1930. Pp. 221.
THE third issue of a series of *Side-lights on Canadian history* is dedicated to the French religious institute of Saint Sulpice, by the Rev. Olivier Maurault, a Sulpician himself and head of their day school for the teaching of classics. The 215 pages of reading matter contained in this little

book relate mostly to the various activities of the order since its inception in France about 1640 and the arrival of its first missionaries in Montreal in 1657. The 32 pages (23-54) comprised under the title "Le Fort des Messieurs" deal with the foundation and history of the Indian (mainly Iroquois) settlement or village, started by the Sulpicians on the hillside overlooking Ville-Marie or Montreal, close to the present site of the Grand Seminary bordering on Sherbrooke Street west. Experience very soon showed that a distance of two miles from the heart of the town was not sufficient to protect the Indians against the snares of the liquor-dealer, and the settlement had to be moved, first to the Sault au Récollet and later to Oka, on the shores of the Lake of Two Mountains. We have here a suggestion of the difficulties encountered by the early missionaries owing to the low moral standard of the aborigines as well as of some of the white settlers. We have also a picture enlivened by a delineation of some Sulpician priests, such as M. de Belmont, a man of initiative and endowed with some personal means for the carrying out of his plans. To one who has witnessed the marvellous growth of Montreal within a half-century and who is faced with the present unwieldy metropolis, there is something weird and strongly impressive in this picture, however faint and fragmentary, of its early beginnings.

A section of 42 pages is devoted to the windmills and water-mills belonging to the seminary in the Island of Montreal and to adjacent seigniories on the mainland. The description of the mills and of the numerous regulations regarding them gives an insight into the conditions and peculiarities of rural life in Lower Canada in bygone days. This and the chapter noted above comprise by far the most valuable part of Mr. Maurault's book, and amply compensate for some tedious records of uninteresting facts which are found elsewhere.

Mélanges historiques, volume 17. *Défense de nos origines*. Par BENJAMIN SULTE. Compilées, annotées et publiées par GÉRARD MALCHELOSSE. Préface par ÆGIDIUS FAUTEUX. Montréal: Editions Edouard Garand. 1930. Pp. 131. (\$1.00.)

THIS is the seventeenth volume of a series of writings of the late Benjamin Sulte collected by M. Malchelosse and edited by him under the caption *Mélanges historiques*. It covers 132 pages, all told, 80 of which are taken up by Sulte's treatment of the main subject—a vindication of the forebears of the French Canadian; 35 by two substantial appendices attributable to M. Malchelosse; 6 by an authoritative preface under the signature of M. Ægidius Fauteux, librarian of the Bibliothèque Saint-Sulpice, Montreal; and the remaining 11 pages by covers, titles, and a valuable index.

Sulte died an octogenarian after devoting practically his whole life to researches connected with Canadian history, of which at the time of his death he was generally and deservedly considered by his fellow workers as a foremost exponent. A self-made man of letters, favoured in youth with only a modicum of schooling and no university training, he was more remarkable for a personal and vivid outlook on life and history than for deep insight into the influences which mould society, or for polish of style or masterful marshalling of facts. Both his qualities and deficiencies as a writer are apparent in this posthumous production appearing under his name.

His forte, that which more than anything else helped to build up his reputation, was his method of collecting and registering facts by a process not unlike that of an accountant—that is, entering on separate sheets all data relating to the various persons of note who played a part in the settlement of the country. After some years of this painstaking work carried on in systematic fashion, and to which ready reference could be made, he found himself in a position to answer multifarious enquiries concerning Canada's past with an ease and promptness most surprising to the uninitiated. It is that vast fund of information which M. Malchelosse is zealously bringing to light for the benefit of students of Canadian history at large. That by itself is most meritorious work.

However, as regards style and manner of presentation, Sulte's plea on behalf of French-Canadian origins is open to criticism. It contains much matter, and particularly a good deal of humour and sarcasm which becomes irksome by repetition, and which the editor would have been well advised in cutting out or condensing, as its bearing on the case is doubtful, or to say the least, indirect.

The Diary of Rev. William Fraser (1834-35). With an introductory essay on *Early Presbyterianism in Western Ontario* by HARRY E. PARKER. (Transactions of the London and Middlesex Historical Society, part XIV, 1930.) London, Ont.: The Art Printing Company. 1930. Pp. 156.

THE diary of Rev. William Fraser is invaluable source material for the social and religious history of Upper Canada in the years 1834 and 1835, and was well worth printing. In 1834, William Fraser, a native of Pictou County, Nova Scotia, determined to visit Upper Canada as a missionary of the Secession Church. On October 1, Fraser and his bride left Pictou. The inaccessibility of Upper Canada and the difficulties of travel are shown by their journey. They arrived at New York on October 28; reached Buffalo, *via* the Erie Canal on November 9; and

sailed on the steamer *Thames* from Buffalo to Port Stanley. The last stage of the journey to London, where they arrived on November 12, was accomplished in a waggon.

The diary is of particular interest to students of the religious history of Upper Canada because of the light it throws on the trials and difficulties of the early missionaries, the differences of opinion between the Kirk and the Seceders, and the doctrines of the Secession Church. This diary, when read with the portions of the William Proudfoot diary, published by the London and Middlesex Historical Society and the Ontario Historical Society, forms a very complete chapter in the history of Presbyterianism in Ontario.

The introduction, though necessarily brief, is adequate. It describes the general development of the Presbyterian Church in western Ontario, with special reference to the secession body. Some criticism may be made of the way in which the term western Ontario is taken to include the Niagara peninsula. This is not the popular usage. Western Upper Canada would have been more exact. Also, the statement is made (p. 15) that "there had been no Anglican minister west of Niagara until 1805" although the fact is that Rev. Richard Pollard was stationed at Sandwich in 1802. There are one or two errors in proof reading, e.g., the township of West Gwillimbury appears as Gwilliambury (pp. 140, 141, 147, etc.) and Gwilliombury (p. 146), with no indication that that is the spelling of the *MS.* Some footnotes have been incorrectly numbered and many could have been avoided by using "[sic]". However, in no case is the meaning not clear. The appendix contains several reproductions of parts of Fraser's diary, written in shorthand, which have not yet been deciphered.

JAMES J. TALMAN

The Origin and Meaning of Place Names in Canada. By G. H. ARMSTRONG. Toronto: The Macmillan Company of Canada. 1930. Pp. vii, 312. (\$3.00.)

Indian Place Names in Ontario. By Captain W. F. MOORE. Toronto: The Macmillan Company of Canada. 1930. Pp. 48. (60 cents.) MR. Armstrong's book is the first attempt that has been made to deal with the place names of Canada as a whole. From fifty to one hundred sectional studies have come from the press in the past two score years, but no one has hitherto tried to record in one volume the origins, meanings, and historical settings of all Canadian place names. It is a task really beyond the carrying power of three hundred pages, but one can safely predict that *The origin and meaning of place names in Canada* will long remain a standard reference work for Canada, just as Gardiner's

Nothing but names has been for Ontario for over thirty years. Mr. Armstrong, like Captain Moore, was long a teacher and inspector. His book owed its birth to a discovery in the class-room—that Canadian nomenclature, teeming with social inheritance and historical lore, was without significance to teacher and student alike. He turned to place names to fill the studies of history and geography with animation and aspiration. The work is scholarly and competent, in short, a very rich storehouse. There are few blemishes. Lake Simcoe was not named after John Graves Simcoe but was named by John Graves Simcoe in memory of his father, Captain John Simcoe. Colonel Talbot was born in Malahide Castle and no doubt he took the name Malahide from there rather than from the little town of that name. Gilkison never really settled at Elora, and the story of his choosing the name was worth some amplification, for it is one of the few instances in early name-giving in which all the facts are known. It is of interest to note that the hodge-podge of Canadian place names is derived by Mr. Armstrong from as many sources as these: Indian, Latin, Greek, Hebrew, Gaelic, Welsh, Italian, Spanish, French, Portuguese, German, Russian, Norwegian, Danish, and Anglo-Saxon. Mr. Armstrong in his acknowledgements names ten works that deal with one section or another of Canadian place names. A number of well-known and valuable works are not included.

Captain Moore's little book is the fruit of a teacher's hobby. The author taught school in Ontario for over half a century. His avocation was the study of Indian place names in the province, searching out and recording their meanings. To this end he went among such remnants of the Indian peoples as he could find. The result is a work that, while leaning on authorities, is also the product of original researches. In all, 128 place names are defined and something told of the story of their settings. Several names are included in the list that have no relation to the Indians, as Elora, Simcoe, Pelee, Lobo, Sauble, Aurora, and one misses such familiar Indian names as Waubigoon, Tuscarora, Wasaga, Thessalon, Mississauga, Kawartha, Delaware, Detroit, Calumet, Menesetung, and others. In parts there is an embarrassment of riches, four meanings being given for Conestoga—place of immense poles, a horse, a covered wagon, and magic land. Surely one word never bore such a burden before. Captain Moore has recognized the difficulties of the situation and, in cases of so much contradiction, lists all the variants and gives them in the order of his preference. While the work is not exhaustive, it does make a starting point for the examination and recording of Canadian nomenclature that is Indian in its origin.

LOUIS BLAKE DUFF

Canada and the League of Nations: The Problem of Peace. By WILLIAM

EARL ARMSTRONG. Geneve: Imprimerie Jent. 1930. Pp. 222.

Canada and the League of Nations. By FREDERIC H. SOWARD. Ottawa:

Published by the League of Nations Society in Canada. 1931. Pp. 52.

Two publications have appeared during the past year and under the same title which, for the first time, make a new phase of Canadian and world history fully accessible to the public.

These two works are different in character though convergent in aim. Mr. Armstrong's is a doctoral thesis prepared at the Postgraduate Institute of International Studies and submitted at the University of Geneva. Mr. Soward's pamphlet, which draws freely upon Mr. Armstrong's dissertation, is a condensed, firm, and well-balanced exposition of the same subject, intended for the general reader.

The exact scope of Mr. Armstrong's study is indicated by the titles of his ten chapters which deal in succession with the international status of Canada and her position on Articles X and XVI of the Covenant, Assembly Resolution XIV, the Draft Treaty of Mutual Assistance (1923), the Protocol of Geneva (1924), the Locarno Treaties, the disarmament problem, the General Act, financial assistance to victims of aggression, and the Kellogg Pact. The author has consulted all the important original and secondary sources available in Geneva, London, and Ottawa; the objectivity and factual accuracy of his presentation of the material is unquestionable.

The characteristic feature of Canadian policy at Geneva, as it appears in this treatise, is a constant readiness to submit to, and develop the mechanism of, peaceful procedure within the League, together with a steadfast resolution to avoid all new obligations,—and even to weaken certain existing obligations—involving possible future participation in the application of force to Covenant-breaking states. Both political parties have held that if Canada should, upon occasion, join in the use of "sanctions" against an outlaw nation, it could only be after a special decision of her national parliament. After its sustained and successful effort toward completely responsible government within the British Commonwealth, this Dominion has naturally shown no inclination to derogate even slightly from the absoluteness of its national sovereignty in favour even of the new institution at Geneva which looks to many observers like "incipient world government."

Mr. Armstrong shows how Canada's reiterated challenge to Article X resulted finally in a compromise resolution which divided the members of the League openly into two camps seriously opposed in general outlook. On the side of the sheltering article were found all the countries

whose geographical situation and political environment made them fear aggression. These nations hold that a general and unequivocal promise by all to come to the rescue of each, is the surest way effectually to discourage the plans of potential Covenant-breakers. They maintain that if peace is to be permanently assured, the mechanism of the League must be keyed up to the point of handling the most difficult situations and not merely the easiest. In the other camp were ranged, then and afterwards, the "safe" nations—those whose natural isolation has constituted hitherto their principal security, and who remain sceptical of the argument that fear of punishment will daunt a would-be aggressor. The difficulty of determining even the *actual* aggressor gives them pause, and they half regret their thirst for higher international status that drove them into signing awkward articles like X and XVI fraught with world-wide responsibilities. The natural opposition of aims and arguments between these two groups constitutes the warp and the woof of the League's political history. One cannot fail to remark the quasi-omnipotence of the geographical factor in the moulding of theories on the fundamental problem of national safety. This lesson in objectivity is implicit in Mr. Armstrong's documents and explicit in Mr. Soward's comments. In this sphere racial, cultural, linguistic, and religious affinities play a relatively modest rôle and the most dissimilar types go year after year into the international division lobby together.

For the excellent material presented by Mr. Armstrong and the judicious interpretations offered by Mr. Soward, the present reviewer can have nothing but praise. If he must raise a question somewhere, he might perhaps enquire upon what evidence these authors base their flattering notion that Canada is, or may be, the "interpreter of the United States" to the League and the British Commonwealth or the "mouth-piece of the Great Republic." Does London really invite Ottawa to translate Washington? Would Geneva accept or the American government authorize a Canadian interpretation of the United States in the council or assembly? Certainly not in these days of trans-Atlantic telegraphy, telephony, and broadcasting, and of steady contact between American and European leaders.

On page 30, Mr. Soward says that "The Imperial Conference of 1926 had agreed that no member of the Commonwealth should sign this [Optional] Clause *until all were prepared to do so.*" The words the reviewer has put in italics should be replaced by some such phrase as *without further consultation with the others*; the Irish Free State, for example, was at liberty to sign before all were prepared to do so. On page 14, he speaks of the Italian plan for the "control" of the world's raw material, but the plan was rather to ensure their *freedom from control*

so that they might be always available in the international market. On the last page, the functions of Canadian officials, past and present, in the International Labour Office are not always accurately expressed. His pamphlet carries an impressive foreword by Sir Robert Borden, and several valuable appendices.

Both authors have confined themselves purposely to Canada's attitude toward the direct efforts of the League for the consolidation of international peace, which is its supreme task. Of its vast range of subsidiary though essential activities it was not their present purpose to write. Neither had they space for the Hague Court or the International Labour Organization. Yet it is in these other spheres that the statesmen, jurists, civil servants, scholars, business-men, and labour leaders of the world are gaining the experience and skill in international organization, administration, and co-operation which may one day enable them finally to guarantee civilisation against disastrous collisions of armed nations.

S. MACK EASTMAN

The Law of Taxing Power in Canada. By W. P. M. KENNEDY and D. C. WELLS. (University of Toronto Studies: Law.) Toronto: The University of Toronto Press. 1931. Pp. xvi, 157. (\$3.00.)

By his share in the authorship of the book in hand Professor Kennedy has made another useful contribution to the growing library of works interpretative of the constitution of Canada.

In theory, written constitutions are framed to promote the peace of the communities of people which adopt them; in practice, they are a perennial source of strife in the law courts. That is because they are in no wise Sinaitic in their origin, but are writ in words of uninspired human speech which often require to be construed in the Pickwickian sense if they are to be accorded any sense at all. In the case of federal constitutions purporting to distribute powers between independent sovereignties, where conflict arises the highest exegetical skill is required of those whose business it is to interpret them.

Here the authors have essayed to expound the constitutional power of taxation in Canada, which gives them occasion to speak of a constitutional power in that field paramount to the jurisdiction of the Dominion and that of the provinces. In the opening sentence of the introduction to their monograph the authors say: "Taxing power in Canada rests in the parliament of Great Britain and Northern Ireland, the parliament of the Dominion, and the legislatures of the various provinces, from one of which all other taxing bodies in the Dominion derive a delegated power of taxation." Immediately the question

arises in the inexpert mind: *How can the power of the British parliament to levy taxes in Canada be reconciled with the grant of federal and provincial taxing powers in the British North America Act?* But, if we read on, the authors supply the answer for us: "The imperial parliament, the source and creator of the legislative bodies in Canada, may, for all practical purposes, be said to have no taxing power at all." And why? Because its *legal right* to tax Canadians is "forbidden by constitutional practice." How this constitutional practice has been developed is succinctly unfolded in chapter I, where Mr. Justice Burbidge's observations on the subject in *Algoma Central Railway v. The King* (7 Ex. C. R. 239 at p. 253) and the views of the Honourable N. W. Rowell, in his *The British Empire and world peace*, and of Sir Robert Borden in his *Canadian constitutional studies*, are quoted. The authors might, indeed, have gone back to the decade immediately preceding the American Revolution and found in the writings of John Adams much the same theory advanced for the solution of the then existing problems of colonial government and for the preservation of the Empire. John Adams at that time saw, as clearly as Mr. Rowell and Sir Robert Borden do now, that a permanent British Empire must be an empire of equals in the sphere of self-government. He would have applauded John Stuart Mill when he said: "The government of a people by itself has a meaning and a reality; but such a thing as government of one people by another does not and cannot exist."

The authors have made a valuable review of the extensive body of case-law on the subject treated in their monograph, and the conclusions they arrive at as to the respective boundaries of federal and provincial power will in the main commend themselves to the constitutional lawyer.

To discuss the ensemble of the constitutional views espoused in the work would be to consume as much paper and ink as the authors themselves have done. Limited space will justify no more than a reference to the suggestion, thrown out in the concluding portion of chapter V, that as the provinces have been held by the courts to possess a general power of self-government under the British North America Act, a right to employ *indirect taxation*, limited to provincial purposes, might be regarded as an incident of self-government.

While they concede that any provincial range of indirect taxation is very materially cut down by the fact that customs and excise are subjects of Dominion jurisdiction, they are disposed to think that "such fields of indirect taxation for provincial purposes as are left should surely in principle, be conceded to the provinces as matters of a merely local or private nature within the province." They also admit that the general

tendency of Canadian case-law "would seem to be overwhelmingly against acknowledging such a provincial power of taxation", and yet they are not disposed to look upon their view as a hopeless one. It may some day, so they think, receive the countenance of the judicial committee of the privy council. But if we approach the question with the understanding that we are interpreting a statute, what about the application of the rule *expressio unius, est exclusio alterius* to subsection 2 of section 92 of the British North America Act? Does not the express mention there of "Direct Taxation" exclude its counter-term?

CHARLES MORSE

Interpretations of American Foreign Policy. Edited by QUINCY WRIGHT. (Lectures on the Harris Foundation, 1930.) Chicago: University of Chicago Press. 1930. Pp. ix, 261. (\$3.00.)

"To see ourselves as others see us" is a valuable corrective in the foreign policy of a nation as it is in private conduct. This was essentially the purpose of the session of 1930 of the Harris Institute of the University of Chicago. The interpretations of American foreign policy are by an American, a Canadian, an Englishman, a Peruvian, and a Japanese. The result is an interesting contribution to international understanding.

Canadian readers will no doubt turn first to Dean Corbett's lecture on "Canada's concern in American foreign policy." Informed readers will, however, find more profit in the lectures of Mr. Tsurumi of Japan on the Far East and the United States. Canada is no longer an onlooker in the Far East and these penetrating observations by an Oriental on such questions as immigration, the pressure of population and the social upheaval in Japan, and the balance of power in the Pacific are of almost as much concern to Canada as to the United States.

Mr. George Young lectures on "Europe and the United States" with his usual happy combination of information and insight, idealism and the spirit of *Alice in Wonderland*.

ROBERT C. MACKAY

The Financial Arrangements between the Provinces and the Dominion. By A. W. Boos. (McGill University economic studies, No. 12, National problems of Canada.) Toronto: The Macmillan Company of Canada. 1930. Pp. 99.

THIS little volume of approximately 100 pages is one of the best in that valuable series of Canadian economic studies prepared by students of McGill University. It traces the financial arrangements between the provinces and the federal government since 1867, but does not include the recent agreement returning control of their natural resources to the

Prairie Provinces. On the whole the treatment is historical and impartial, and the economic principles applied are sound and wise. There is an interesting chapter upon the financial arrangements between the federal and state governments of Australia. The final chapters deal with subventions and draw certain conclusions from the study.

Mr. Boos finds the history of subsidy arrangements since their inception in 1867 to be a "tangle of opportunism and necessity"—an expedient for union. In the opinion of the reviewer, this is correct, and just on this account no final settlement upon present principles and methods can be expected. The fathers of Confederation could not provide adequately for the future revenues of either provincial or federal governments. They had to meet a peculiar situation by measures that would find acceptance with their fellow citizens and carry Confederation at the polls. They lived also in a political atmosphere in which the supremacy of parliament was recognized.

It is true that section 118 of the British North America Act states that such "grants shall be in full settlement of all future demands on Canada." But is Mr. Boos correct in stating that "the framers of the constitution intended that the provinces should look to other sources of revenue notably direct taxation to supply any additional revenue they might require?" The fathers who agreed to a subsidy of 80 cents per head as a full settlement at the Quebec Conference added to it the special legislative grants at the London Conference and after the act was passed they made increases to several provinces and also two general increases. In the earlier drafts of the resolutions of the Quebec Conference there is one clause which reads: "Subsidies or grants in aid to local governments." It would be interesting to know why this was struck out of the final draft. Tupper said at the time that it was "not supposed that they could arrange at a single stroke of the pen all the financial terms of Confederation", and Tilley stated in the house of commons debates of 1870 that he had always held that the subsidy could not be reduced but it might be increased. Brown and Galt did not favour the subsidy principle and both undoubtedly thought that the financial arrangements made in the British North America Act were final. Yet, in 1869, Galt justified an increase to Nova Scotia because that province did not have sufficient revenue to meet its needs, and he declared that he would not adhere "to the arrangement under which it would be impossible for Nova Scotia to remain in the Union."

The subsidy was provided in the first place because the provinces refused to form a union on the basis of direct taxation for provincial purposes, and the rate of the subsidy was fixed at 80 cents because this gave the revenue necessary for the needs of the provinces at the time.

I doubt if we can say that it was expected and intended that future increases of revenue for the provinces were to come from direct taxation. The framers provided a subsidy that would avoid direct taxation for the near future and did not raise the issue of more remote needs. They preferred to "let sleeping dogs lie."

Langevin speaking in the debate of 1865 declared that "the fear of direct taxation in the future is inspired by the opponents of Confederation." Cameron was probably right when he claimed in the same debate that the fathers were not agreed upon this point. He said:

So it seems that these gentlemen who have represented to us that they acted in great harmony, and came to a common decision when they were in Conference take a widely different view of the question supposed to be agreed upon.—In the lower provinces they are strongly opposed to direct taxation while here it is presented as one of the advantages to accrue from the federation.—If the amount allowed for the expenditure of local legislation—the \$.80 per head was not sufficient, the local Parliaments must resort to direct taxation while in the lower provinces it seemed that nothing of the kind was to follow.

In the debate upon the general increase of subsidy in 1907, Laurier, Fielding and Foster all agreed that the provinces would never have entered Confederation if the terms had been direct taxation either immediately or in the near future.

We wonder if Mr. Boos does not fall into the tendency to treat the financial terms of Confederation in isolation from all the other terms and conditions of which they were a part? It was not merely equality in financial terms but an equality of burdens and gains that was more or less consciously in the minds of the fathers. Certain inequalities in financial terms were made to achieve a more fundamental equality of all the terms. In the arrangement of financial terms there was in the background of their deliberations a desire to provide each province with sufficient revenue to carry on its functions and to see to it that no provinces suffered by Confederation. Provinces like Prince Edward Island and Newfoundland were given certain favourable financial terms at the Quebec Conference because it was recognized that they would not profit as the other provinces by the great expenditures to be undertaken by the union. In fact the history of the subsidy will justify the statement that the needs of the provinces rather than mere equality of financial terms has been the guiding principle in subsidy arrangements. When, for example, the new provinces of Saskatchewan and Alberta were formed, the amount of the financial assistance from the federal treasury was fixed by the needs of the new governments and then the subsidy, debt allowances, and other special grants were stretched or distorted in order to provide the necessary revenue.

Mr. Boos points out with clearness the grave defects in the subsidy

method of provincial finance especially the danger of allowing a province to run to the federal treasury whenever it is short of revenue. He doubts the wisdom of percentage subventions for such purposes as technical education, highways, health or old age pensions. Recently in the house of commons, the Rt. Hon. Mackenzie King took much the same position. The argument is a strong one but there is something to be said also for percentage subventions or co-operation in carrying out certain functions of government. Since Confederation great changes have taken place in society, and functions that then were regarded as local have become general. There are certain rights and privileges which all citizens of Canada should share, and this equality of opportunity may demand the transfer of functions in whole or in part from the province to the federation.

Mr. Boos says that if provinces wish these privileges they can get them by direct taxation. But direct taxation requires for its successful operation a certain stage of industrial development. Unless citizens have property and incomes above subsistence, it is unwise to expect much from direct taxation. Canadian federal statistics show that some provinces have much more wealth and much larger incomes per head than others. The wealthier provinces can resort successfully to direct taxation and yet have a per capita tax no larger in proportion to income or wealth than the poorer ones. Then too the results of federal taxation affect differently different portions of the Dominion. Certainly Galt thought that the tariff would be somewhat lowered in Canada as a result of union. A high tariff for protection of home industries was not then in the minds of the fathers of Confederation. Is it true that certain areas have prospered from the federal policies of the country while others have been burdened on their account?

The problem raised by Mr. Boos is a complicated one. As he shows, the subsidy principle of revenue is not good and its continuous change is not desirable. Perhaps the financial arrangements should be carefully reconsidered by a commission of economists and statesmen and replaced by a better system of taxation. It is doubtful if piecemeal revision by commissions to adjudicate the claims of certain sections is a wise one. Mr. Boos has produced a much needed study of this question and his little volume will be welcomed by students of Canadian finance.

W. C. KEIRSTEAD

Youth and Power: The Diversions of an Economist. By C. R. FAY.

Toronto: Longmans Green & Co. 1931. Pp. viii, 292. (\$3.75.)
FROM the University of Cambridge comes a second Lewis Carroll with a wonderland for the modern Alice. The jabberwock, the dodo, and the

duchess still turn up in the most bewildering fashion, making confusion worse confounded by taking such names as the industrial revolution, free trade, and the empire. Poor little Alice of to-day wanders about among these strange creatures, wondering whether to be frightened or curious.

The world and its problems are subjected to a careful survey which is an unusual blend of economics and philosophy. Fortunately, the author has given us a summary, which in itself well illustrates the style and scope of the book:

Some gains for idealism and checks not a few: an honourable war followed by a bad peace: the hope of democracy in political and economic life, but autocracy and device triumphant, first here and then there: a wish to comprehend the economic scene as powerfully as the masters of old, a fear that we are losing the grip of it in a maze of facts and figures, the centre of the maze being Shibboleth: brilliant invention, able management and over-production by the aid of machinery which, making Robots of some and pensioners of others, replaces the old scourges of involuntary idleness: islands of sure proof, that public business can be worked by the public for the public good, in an ocean of suspicion which flows down perhaps from the predatory habits of primitive man: vast confidence in our heritage of acres, strange reluctance to people them from our loins: and finally a psychology of revolt which advances to meet revolt half-way in order that revolt may be halted there.

The author's Canadian experience crops out in many of his illustrations. In Canada, he sees a balance between capitalism and co-operative enterprise. Hemmed in by capitalistic "America" and capitalistic Quebec, Ontario has achieved the world's greatest feat in nationalization. The Ontario hydro-electric project has proved that a public utility can be operated more efficiently and more economically by a public than by a private company. Again, instead of the English co-operative associations of consumers, western Canada through its various agricultural pools, has developed associations of producers. The Canadian National Railway, spanning the Dominion, forms the link between eastern hydro and western pools, and has been itself a third great institution serving as a balance against capitalism.

With abundant natural resources inviting greater population, Canada already has serious unemployment. Differences of soil and climate, together with the large influx of immigration, has already given to the Canadian west a character very different from that of the east. This is being reflected increasingly in political life.

Neither the great philosophers nor the classical economists, such as Adam Smith, offer any key to our modern complex problems. For this, we must look to science. In the meantime youth is adrift with neither chart nor compass. Mr. Fay has guided us into the heart of the maze—and left us there.

GRACE WOODSWORTH

The Economic Aspects of the Crowsnest Pass Rates Agreement. By THEODORE HERBERT HARRIS. (McGill University Economic Studies, no. 13, National Problems of Canada.) Toronto: The Macmillan Company of Canada. 1930. Pp. viii, 86.

THIS is the second study which has been made of this subject, the former having been submitted, in 1927, by Mr. S. J. Dempsey, to the graduate school of Yale in partial fulfilment of the requirements for the M.A. degree. Perhaps one should not think it strange that the conclusions reached by the two men should be entirely different; but because they are the reviewer has read the present work more critically and with greater interest.

Mr. Harris traces the historical development of this agreement from the time of its statutory origin, in 1897, to the present time and shows the effect of the agreement upon railway rates during that period. This agreement between the Dominion government and the Canadian Pacific Railway was the basis upon which, in return for financial assistance from the government for the construction of its Crowsnest Pass line, the Canadian Pacific consented to fixed reduced rates on grain and flour moving eastward to Fort William from all points on the company's main line, branches, and connections west of Fort William. It also consented to reduced rates on hardware, machinery, and other settlers' requirements moving from Fort William and all points on the company's line east of Fort William to all points west of Fort William on the company's main line, or on any line in Canada owned or leased or operated on account of the company. These fixed rates had to be temporarily suspended in 1919 to make way for higher rates in accordance with the higher operating costs after the War.

The study before us shows the forces which were operative in 1922 to cause the agreement to be again put into effect; the chaotic conditions in rates which followed, leading to the abolition of the Crowsnest rates on other commodities than grain and flour; the extension of these rates to grain and flour moving westward to Vancouver; their extension, in 1927, still farther eastward to Quebec; and the application of the rates to all lines of railway in the west, not merely to those of the Canadian Pacific which were in operation in 1897. The author shows the way in which this fixed-rate policy has been injurious to the railways and a source of endless confusion and trouble to the Board of Railway Commissioners. Since rates should be changed according to the changing circumstances, any policy of having some rates fixed and unalterable is wholly unsound because it is contrary to economic conditions.

The work is thoroughly documented and, when regarded from the strictly economic point of view, its conclusions seem to be entirely

sound. But since the western farmers regard this agreement as their Magna Carta, it will probably be a long time before they will consent to its abrogation.

W. T. JACKMAN

The 24th Battalion, C.E.F., Victoria Rifles of Canada 1914-1919. Edited and compiled by R. C. FETHERSTONHAUGH. Montreal: Gazette Printing Company. 1930. Pp. 319.

A Short History of the 7th Battalion, C.E.F. By T. V. SCUDAMORE. Vancouver: Anderson & Odlum, Ltd. 1931. Pp. 64.

THE first of these is a battalion history of which any unit might be proud. It was compiled after study of the official war diaries and records in Ottawa; and the author had the help of a committee of officers who went over the whole account, correcting it and supplying many details which could not be found in the official records. It is a careful accurate account of the history of the battalion from the time of its enlistment to its return to Montreal after the war. The 24th Battalion fought in the 5th Brigade of the 2nd Division. Each chapter, before it narrates the adventures of the battalion in an engagement, gives a brief account of the general strategical situation, and the narrative for all the major engagements is illustrated by excellent diagrams. The account of the fighting is told in a straight-forward style without the slightest bombast; and, while the detail is puzzling to the uninformed outsider, it will be of great interest to all who served in the battalion or in the Canadian Corps. Appendices at the end give a complete list of those killed on service and also of the honours won by members of the battalion.

The short history of the 7th Battalion is little more than one officer's reminiscences supplemented by a complete list of casualties, and is not meant to be the real history of the unit which is yet to be written.

FRANK H. UNDERHILL

Imperial Air Routes. By Major A. E. W. SALT. With an introduction by Sir SEFTON BRANCKER. London: John Murray. 1930. Pp. 280. (6s.)

THE author chose an attractive title for his book, procured an interesting introduction written by Major-General Sir Sefton Brancker, director of civil aviation, and compiled a suitable prologue of appropriate quotations. The book is well illustrated with excellent maps.

Major Salt has shown great industry in compiling valuable data respecting the development of imperial air routes up to May, 1930. In order to bring his book even more up-to-date, he outlines, in an addendum

to the introduction, additional developments proposed after the book was in the hands of the publisher. In addition to giving the information concerning imperial air routes, the author devotes a great deal of time and space to statistics respecting the development of flying, flying conditions, use of aircraft, *etc.*, which might better have been left out as most of it is irrelevant to his main theme. As a matter of fact chapters 9 and 10 could have been omitted altogether with advantage except the last two pages of chapter 10, in which the author suggests the division of the Empire into four zones for the organization of bases for aircraft with the object of increasing the latter's mobility.

Most of the first chapter is devoted to early flying efforts and cross-channel routes, but towards its end the author makes his first approach to the subject of his book when he states that "the accepted policy that British air mail shall, whenever possible, be carried on British aircraft to every part of the Empire must logically lead to further activity in the establishment of Imperial Air Routes." The author then outlines the three main projects in organizing imperial air routes which he proposes to deal with in the book and to which he devotes the next seven chapters. They are: (a) The establishment of an airway between Alexandria and Cape Town; (b) the extension of the London-Karachi route across India to Calcutta and on to Australia; (c) the experimental flights of the airships R100 and R101 to Canada and India.

Canadian readers will be most interested in those chapters dealing with "Crossing the oceans" and "Overseas airways." In the first of these no mention is made of the most practical route for flying the Atlantic, that by way of Canada, Greenland, Iceland, Faroe Isle to Great Britain. Nor does he mention Canada's important geographical position in relation to future air routes between the three greatest centres of population in the world, the United States, Europe, and Asia. The chapter on "Overseas airways" is the best in the book, although it describes the development of local air routes as distinct from imperial. Canadian progress in aviation is fairly accurately outlined, but one of the Dominion's longest air routes—from Fort McMurray to Aklavik—is omitted from the map of Canada although it is mentioned in the text.

The chief merit of the book lies in its usefulness as a work of reference on account of the statistics it contains. These statistics would have been more readily accessible had they been collected in appendices rather than being dispersed throughout the various chapters and footnotes. In the opinion of the reviewer the book is worth reading but should not be regarded as an authoritative work on the subject.

J. H. MACBRIEN

Mère Marie of the Ursulines: A Study in Adventure. By AGNES REPLIER.

New York: Doubleday, Doran and Co. 1931. Pp. 314. (\$2.50.) "We see ourselves", wrote Mère Marie de l'Incarnation from Quebec in the midst of her incessant labours for the newly-founded Ursuline convent, "under the necessity of becoming saints. We must consent to this change, or perish." It was possible to do both in the New France of Mère Marie's day, as she herself sufficiently knew, and as Miss Replier's biography abundantly makes clear. This new life is of the picturesque and even "popular" variety, by which remark it is by no means intended to condemn it. It is well-founded and well written. It makes no pretensions to add to our knowledge but is a sympathetic and interesting account of a remarkable woman and enterprise. It is sometimes rather diffuse, with a suspicion of padding, unless, indeed, its readers are unfamiliar with the outlines of the early history of New France, in which case its digressions are the more excusable.

R. FLENLEY

En feuilletant nos écrivains: Étude de littérature canadienne. By SERAPHIN MARION. Montréal: Librairie d'Action canadienne-française. 1931. Pp. 216. (\$1.00.)

M. MARION is best known as a scholar in Canadian history; but in this agreeable volume he appears as a critic of contemporary tendencies in French-Canadian literature and ideas. The title suggests an impressionistic method of criticism; but M. Marion makes severe strictures upon at least one significant impressionist and reveals himself a judicial critic after the manner of Mgr Camille Roy to whom he pays an affectionate tribute. Like Mgr Roy he is a traditionalist with a fairly liberal mind, welcoming new writers who are doing new things but at root preferring the older ways. It is questionable whether as criticism any of the thirteen studies in this collection will greatly interest an English-Canadian student: but all of them are generously and accurately informative. One closes the book with a wish that somewhere one could find an equally serious consideration of recent English-Canadian literature.

E. K. BROWN

Greenland, its Nature, Inhabitants, and History. By TH. N. KRABBE. Translated from the Danish by ANNIE I. FAUSBØLL. London: Oxford University Press. 1930. Pp. xvi, 129; 170 plates. (\$12.00.)

THIS sumptuous volume is the work of a Danish medical man who spent nearly twenty years travelling along the coasts of Greenland as a health officer of the government. In 127 pages of text, Danish on one side of

each page and English translation on the other, he briefly summarizes the physiography, climate, and vegetation of the island, the manners and customs of its native inhabitants, the history of its exploration, and the methods of administration and trade down to 1910. The account is clear, and comprehensive enough to satisfy all the demands of the lay reader not especially concerned with the country, although it contains nothing new or original except portraits of all the principal men who have contributed to its exploration and development since the days of the pioneer missionary, Hans Egede. Actually the most valuable part of the book is the magnificent collection of 170 full-sized photographs that depict the scenery and life along the east and west coasts. They interpret Greenland better than any written description, and ensure for the work a permanent place in the island's large and constantly growing literature.

D. JENNESS

Speeches on Foreign Affairs, 1904-1914. By Sir EDWARD GREY. Selected with an introduction by PAUL KNAPLUND. London: George Allen and Unwin Ltd. 1931. Pp. 327. (\$3.25.)

No figure of pre-war diplomacy has been the subject of so much speculation as Sir Edward Grey, and more than one book has been written on the period of his career covered by these twenty-two speeches. The majority of those chosen by Professor Knaplund are from his parliamentary speeches, and therefore add no new material. It is, however, of great advantage to have these representative speeches on foreign policy in convenient form, rather than to have them buried in *Hansard*. To read them gives an impression of Grey's quiet style—as in his *Twenty-five years*—though, as in all speeches, one misses the personality of the speaker. The last speech in the volume is Grey's famous account of the situation to the house of commons on August 3: clear and simple like all his speeches. His strivings for peace had failed, and he could see no way out but the war which he hated. There is an excellent introduction by Mr. Knaplund.

G. DE T. GLAZEBROOK

Camels in Western America. By A. A. GRAY, FRANCIS P. FARQUHAR, and WILLIAM S. LEWIS. San Francisco: California Historical Society. 1930. Pp. 48.

THE story of the camel in the American west is one of which little has been known. The scene reaches from the desert of New Mexico to the mountains of Cariboo and covers the years, 1856-1876. The materials must be sought, as the footnotes to this article show, in books, con-

gressional records, and the files of newspapers and courts—"Here a little and there a little." Seventy-six camels were imported from Egypt by the United States government and forty-five from Siberia by individuals. As they could travel thirty or forty miles a day, carrying a load of half a ton or more, they were thought to be particularly fitted for transport in a region where foliage was scarce and water brackish. The experiment proved a failure, but this result may have been largely due to the incompetence of those in charge of the animals.

Notwithstanding the failure in the United States, camels were tried out in British Columbia. In 1862, twenty-two Siberian camels were imported from California and placed on the rough trails and unfinished roads to the gold region of Cariboo. This venture also ended in dismal failure. It shows, however, the spirit and resourcefulness of the pioneers.

The article contains a full bibliography of the subject, and reproduces six of Edward Vischer's views of California and Nevada in which camels figure prominently. Though a composite product the work has been well and carefully done. Mr. Gray tells the story of the importation and trial of these strange beasts; Mr. Farquhar contributes the sketches of Vischer and deals with his life and contribution to western history; Mr. Lewis has compiled the bibliography.

F. W. HOWAY

Murder at Belly Butte and Other Stories from the Mounted Police. By T. MORRIS LONGSTRETH and HENRY VERNON. Toronto: The Maclean Publishing Company, Limited. 1931. Pp. 349. (\$2.50.)

FOURTEEN stories of the work of the mounted police in hunting down the perpetrators of crimes, written in a manner suitable for publication in a popular magazine, make up this book, which is dedicated to Colonel Cortlandt Starnes, commissioner of the Royal Canadian Mounted Police. There is nothing of Hollywood sensationalism or sentimentality in the telling of the stories; there is not in any one of them any such episode as the heroic rescue by a gallant young lieutenant of the Mounties of a beautiful maiden from the arms of a villainous-looking, unshaved scoundrel who has carried her off to a lonely cabin far in the northland. One of the authors, Mr. Longstreth, has made already a contribution of real value to Canadian history in his book, *The Silent Force*, published in 1927. The present book, which ranges across Canada from the Yukon of the time of the gold rush as far eastward as Montreal, with excursions across the international line, and announces itself as based on official records, deserves to be regarded as a pendant to that substantial and authoritative volume.

W. J. HEALY

The Asbestos Industry of Canada. By M. M. MENDELS. (McGill University economic studies, no. 14, *National problems of Canada.*) Orillia: The Packet-Times Press. 1930. Pp. 79, vi. (75 cents.) THIS number of the McGill University studies in Canadian economic problems covers briefly the general history of the asbestos industry in Canada and surveys the problems with which it is confronted. The principal causes of the chequered financial career of an industry which appears to have such great natural advantages are over-capitalization, and cut-throat competition in selling a commodity of rather inelastic demand. The remedies suggested are drastic de-capitalization and the merging of producing interests. Mr. Mendels points out that Canada no longer has a monopoly of asbestos. A decade ago 90 per cent. of the world's supply came from the eastern townships of Quebec. To-day, only 70 per cent. is Canadian, South Africa, Russia, and Cyprus together producing about 100,000 tons a year.

KENNETH W. TAYLOR

Statistical Yearbook of Quebec, 1930. Québec: Printed by Rédempti Paradis. 1930. Pp. xxv, 460.

THIS admirable compilation of statistics for the province of Quebec maintains the high standard set in earlier years. In addition to printing up-to-date information given in former years, the publication affords new information on the operations of the Quebec Liquor Commission since 1921, and some particularly interesting data on the repatriation of French Canadians from New England.

Some of the tables on foreign trade continue to be somewhat misleading. Tables of imports and exports from the province of Quebec would be more accurately termed imports and exports from Quebec ports.

W. A. MACKINTOSH

RECENT PUBLICATIONS RELATING TO CANADA

(Notice in this section does not preclude a later and more extended review.)

I. THE RELATIONS OF CANADA WITHIN THE EMPIRE

ANGELL, NORMAN. *The new imperialism and the old nationalism* (International affairs, January, 1931, pp. 69-83).

An attempt "to examine certain ideas and forces which have shaped imperial policy in the past and to see whether these ideas and forces throw any light on the feasibility alike of our projects of empire and our projects of world organization."

BINCHY, DANIEL. *Die Dominien im Britischen Reich und im Völkerbund* (Zeitschrift für Politik, June, 1930, pp. 153-169).

A discussion of the position of the Dominions in the British Empire and in the League of Nations.

BREADY, DR. J. WESLEY. *Dr. Barnardo: A true Empire builder* (Empire review, May, 1931, pp. 462-468).

A sketch of the life and work of Thomas John Barnardo with special reference to his work in Canada.

Canada: *I. Aviation as an imperial link* (Round table, June, 1931, pp. 635-644).

An indication of the recent developments of Canadian airways and their importance as a link in an imperial chain.

CARVALHO, HAROLD N. *The manufacturing industries of the British Empire overseas*. Part I—Canada; part II—Australia; part III—The Union of South Africa; part IV—New Zealand. London: Erlangers Ltd. 1930. Pp. 45; 43; 76; 48.

To be reviewed later.

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II. HISTORY OF CANADA

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A description with excellent illustrations of hunting and travelling in the Yukon.

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A history of the mint at Ottawa.

CUTTERIDGE, J. O. *Geography of the West Indies.* Toronto: Thomas Nelson, and Sons. 1931.

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DALE, BONNYCASTLE. *Sailing Labrador seas* (Canadian geographical journal, May, 1931, pp. 391-403).

A description, with illustrations, of the Labrador coast.

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Vivid stories of Champlain and Helene Boule, of the Kirke brothers and their conquest of Quebec, of Frontenac and his wife, of Louise de Vaudreuil, of Wolfe, of the Duke of Kent, and of Margaret Gordon and Carlyle.

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TAYLOR, E. G. R. *Master Hore's voyage of 1536* (Geographical journal, May, 1931, 469-470).

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(2) **New France**

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An account of the expedition of François Dollier de Casson and René Bréhand de Galinée westward in 1669, with many extracts from Galinée's own story.

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A note on Nicolas de Haricourt and Félix Dubois, sieur de Saint-Maurice.

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Some notes on Bigault d'Aubreville who figured in the War of 1812.

BIRCH, JOHN J. *The massacre at Schenectady* (Americana, April, 1931, vol. XXV, no. 2, pp. 150-156).

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ELLIOTT, T. C. *Wilson Price Hunt, 1783-1842* (Oregon historical quarterly, June, 1931, pp. 130-134).

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General James Grant of Ballindalloch, 1720-1806; Being an account of his long services in Flanders, America and the West Indies, with original letters. London: Published privately by Alastair Macpherson Grant, 76 Cadogan Place, London, S.W. 1930. Pp. 108. (5s. 6d.)

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WATSON, ROBERT. *A Company Indian* (Beaver, June 1931, pp. 220-222).
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(4) **The Dominion of Canada**

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ARNESON, BEN A. *The maple leaf changes color—Canada goes conservative* (Southwestern political and social science quarterly, December, 1930).
 A political survey.

Canada: II. Federal politics (Round table, June, 1931, pp. 644-652).
 A résumé of the Canadian political situation since the opening of the Dominion parliament on March 12, 1931.

FETHERSTONHAUGH, R. C. (ed. and comp.). *The 24th Battalion, C.E.F., Victoria Rifles of Canada, 1914-1919*. Montreal: Gazette Printing Company. 1930. Pp. 319.
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FORSEY, EUGENE A. *The royal prerogative of dissolution of parliament* (Canadian Political Science Association, 1930, pp. 81-94).
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HOWSAM, G. R. *Canada's problem of air defence* (Canadian defence quarterly, April, 1931, pp. 356-360).
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JOHNSTON, LUKIN. *The Earl of Willingdon* (Fortnightly review, April, 1931, pp. 488-500).
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MACKENZIE, NORMAN. *Canadian affairs affecting the Pacific* (Pacific affairs, April, 1931, pp. 325-328).

A brief report of Canadian economic and political affairs during the past few months.

MARTIN, CHESTER. *The completion of Confederation* (Queen's quarterly, Spring, 1931, pp. 197-210).

A survey of the natural resources question from Confederation to the settlement of the controversy in 1930.

MURRAY, W. W. *Canadians in "Dunsterforce"* (Canadian defence quarterly, April, 1931, pp. 377-386; July, 1931, pp. 487-497).

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A discussion of the rôles which should be assigned to the armed forces of Canada in the event of war.

STEEL, Lieut.-Col. W. ARTHUR. *Wireless telegraphy in the Canadian corps in France* (Canadian defence quarterly, April, 1931, pp. 387-398; July, 1931, pp. 536-546).

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III. PROVINCIAL AND LOCAL HISTORY

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A superficial résumé of Nova Scotian history under Governor Legge in the troubled days of the American Revolution.

CHISHOLM, J. A. *The late chief justice of Nova Scotia* ((Canadian bar review, June, 1931, pp. 418-420).

A brief record of the life and work of Chief Justice Robert Edward Harris.

HALLAM, Mrs. W. T. *Halifax by the sea: The first English settlement in Canada* (Women's Canadian Historical Society of Toronto, annual report and transaction no. 27, 1928-29, 1929-30, pp. 21-27).

A résumé of the early history of Halifax and notes on some of its outstanding citizens.

ROGERS, GRACE MCLEOD. *The "Samson"* (Dalhousie review, July, 1931, pp. 218-222).

The story of the oldest Canadian locomotive now in existence, Nova Scotia's pioneer steam-engine, the first locomotive to run over steel rails in British North America.

ROGERS, NORMAN McL. *The progression of loyalties* (Dalhousie review, April, 1931, pp. 57-64).

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SNIDER, C. H. J. *Our provincial privateers* (Women's Canadian Historical Society of Toronto, annual report and transaction no. 27, 1928-29, 1929-30, pp. 34-49).

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(2) The Province of Quebec

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DONCEAUX, PAUL. *Le survivance française au Canada* (Etudes, 20 fév., 1931, pp. 385-403).

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La famille Pampalon (Bulletin des recherches historiques, mai, 1931, pp. 319-320).

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FAUTEUX, AEGIDIUS. *Une prétendue double pendaison à Québec, en 1850* (Bulletin des recherches historiques, juin, 1931, pp. 337-340).

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A detailed financial analysis of the province of Quebec.

Liste des registres de l'état civil actuellement déposés au bureau du protonotaire du district de Hull (Bulletin des recherches historiques, mai, 1931, pp. 281-286).

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